JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD

IN THE TOWN OF FRANKFORT, ON WEDNESDAY, THE 19TH DAY OF AUGUST, IN THE YEAR OF OUR LORD, 1840, AND OF THE COMMONWEALTH THE FORTY NINTH.

CALLED SESSION.

FRANKFORT, KY.
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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

At a General Assembly begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Wednesday, the 19th day of August, in the year of our Lord, 1840, and in the forty ninth year of the Commonwealth—on which day (being that designated in the proclamation of the Lieutenant and Acting Governor,) the following members of the House of Representatives appeared, viz:

From the county of *Adair*—George A. Caldwell.
From the county of *Allen*—Robert H. Paris.
From the county of *Anderson*—John Draffin.
From the county of *Barren*—B. Mills Crenshaw and Jos. B. Stockton.
From the county of *Bracken*—Wm. C. Marshall.
From the counties of *Butler and Edmonson*—Ambrose Kirtley.
From the county of *Bourbon*—John Cunningham and Charles S. Brent.
From the county of *Bullitt*—John Graham.
From the county of *Bath*—Harvey G. Hazlerigg.
From the county of *Breckinridge*—John Calhoon.
From the counties of *Cumberland* and *Clinton*—James Haggard.
From the counties of *Carroll* and *Gallatin*—Edmund W. Hawkins.
From the county of *Casey*—George C. Riffe.
From the counties of *Clay* and *Perry*—Elijah Combs, jr.
From the county of *Calloway*—James Brien.
From the county of *Campbell*—John J. Thomas.
From the county of *Clarke*—Pleasant Bush.
From the county of *Christian*—James F. Buckner.
From the county of *Daviess*—George W. Triplett.
From the county of *Estill*—Ebenezer Park.
From the county of *Fayette*—Clayton Curle, John Curd, and Cassius M. Clay.

From the county of *Franklin*—Charles S. Morehead.
From the counties of *Floyd* and *Pike*—Alexander Lackey.
From the county of *Fleming*—John H. Botts and Woodson Morgan.
From the county of *Grayson*—Wm. M. Gray.
From the county of *Grant*—Napoleon B. Stephens.
From the county of *Graves*—John Wortham.
From the county of *Greenup*—Basil Waring.
From the county of *Garrard*—George B. Mason.
From the county of *Green*—Wm. N. Marshall.
From the county of *Hopkins*—Hiram H. Smith.
From the county of *Henderson*—Thomas Towles, jr.
From the county of *Harrison*—Hugh Newell and Alex'r H. Innes.
From the county of *Hardin*—John Cofer and James W. Hays.
From the county of *Hart*—George W. Craddock.
From the county of *Henry*—Charles T. Chilton.
From the county of *Jefferson*—Wm. R. Vance and Warrick Miller.
From the county of *Jessamine*—Tucker Woodson.
From the counties of *Knox* and *Harlan*—Green Adams.
From the county of *Kenton*—John A. Goodson.
From the city of *Louisville*—Wm. F. Bullock and James Rudd.
From the county of *Livingston*—Joseph Watts.
From the county of *Lincoln*—David Shanks.
From the county of *Laurel*—Mark A. Watkins.
From the county of *Lewis*—Mandley Trussell.
From the county of *Logan*—James W. Davidson and Sherwood W. Atkinson.
From the county of *Muhlenburg*—B. E. Pittman.
From the county of *Mason*—Thos. M. Forman and Charles A. Marshall.
From the county of *Montgomery*—James Bruton.
From the county of *Monroe*—Wm. G. Howard.
From the counties of *Morgan* and *Breathitt*—Jeremiah W. South.
From the county of *Meade*—James D. Perciful.
From the county of *Madison*—Wm. Chenault and Jefferson Williams.
From the county of *McCracken*—Robert Fletcher.
From the county of *Mercer*—Elijah Gabbert and Thomas P. Moore.
From the county of *Nicholas*—John M. Raymon.
From the county of *Nelson*—Thos. Speed and James P. Hardin.
From the counties of *Ohio* and *Hancock*—John H. McHenry.
From the county of *Oldham*—Edward M. Taylor.
From the county of *Pendleton*—Thomas W. Hart.
From the county of *Pulaski*—Berry Smith.
From the county of *Rockcastle*—Charles Colyer.

From the county of *Russell*—Wm. D. Lair.
From the county of *Shelby*—James Ford.
From the county of *Scott*—George W. Johnson.
From the county of *Spencer*—James Wakefield.
From the county of *Simpson*—Davis S. Hammond.
From the county of *Todd*—Benjamin H. Reeves.
From the county of *Trimble*—John J. Thomasson.
From the county of *Union*—John Imboden.
From the county of *Wayne*—Leo Haydon.
From the county of *Woodford*—Zachariah White.
From the county of *Warren*—Wm V. Loving and James R. Skiles.
From the county of *Whitley*—Joel Snyder.
From the county of *Washington*—Robert Mitchell.

Who, constituting a quorum, and having severally taken the oaths prescribed by the Constitution of the United States, and the Constitution and Laws of this State, repaired to their seats.

Mr. Speed nominated Mr. Charles S. Morehead as a suitable person for the office of Speaker; and the question being taken thereon, he was declared unanimously elected Speaker, and conducted to the chair; from whence he returned thanks for the honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Thomas J. Helm was unanimously elected Clerk; and Mr. Jos. Gray, Sergeant-at-Arms.

Mr. Ford nominated Mr. Wm. B. Holeman as a proper person to fill the office of Door Keeper; Mr. McHenry nominated Mr. Joseph Clarke, and Mr. Clay nominated Mr. William H. Gray; and the vote being taken, stood thus:

Those who voted for Mr. Holeman, are as follows:

Messrs. Brien,	Innis,	South,
Botts,	Imboden,	Skiles,
Calhoon,	Lackey,	Snyder,
Davidson,	Marshall, W. N.	Stephens,
Ford,	Miller,	Smith, H. H.
Goodson,	Newell,	Thomas,
Haydon,	Perciful,	Williams,
Hart,	Rudd,	Wortham—26.
Howard,	Speed,	

Those who voted for Mr. Clarke, are as follows:

Mr. Speaker,	Graham,	Park,
Messrs. Adams,	Gray,	Pittman,
Atkinson,	Haggard,	Riffe,
Brent,	Hammond,	Reeves,

Bush,	Hazlerigg,	Stockton,
Buckner,	Hawkins,	Smith, B.
Bullock,	Hays,	Taylor,
Bruton,	Hardin,	Triplett,
Cunningham,	Johnson,	Thomasson,
Combs,	Kirtley,	Towles,
Cofer,	Lair,	Trussell,
Chilton,	Loving,	Vance,
Craddock,	Mason,	Wakefield,
Crenshaw,	Marshall, W. C.	Watts,
Draffin,	Marshall, C. A.	Waring,
Forman,	McHenry,	White,
Fletcher,	Morgan,	Woodson—51.

Those who voted for Mr. Gray, are as follows:

Messrs. Caldwell,	Clay,	Paris,
Colyer,	Gabbert,	Raymon,
Chenault,	Mitchell,	Shanks,
Curle,	Moore,	Watkins—13.
Curd,		

A majority of all the votes given, appearing in favor of Mr. Joseph Clarke, he was declared duly elected Door Keeper.

Ordered, That Messrs. Calhoon, Speed and Newell, be appointed a committee to inform the Senate that this House, having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business.

A message was received from the Senate, by Mr. Ballinger:

Mr. Speaker: I am directed by the Senate to inform this House, that the Senate, having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business. They have also appointed a committee of three on their part, to act in conjunction with a committee on the part of this House, to wait on the Governor, and to inform him that they are now ready to receive such communication (by way of message) as he may think proper to make.

And then he withdrew.

Whereupon Messrs. Calhoon, Reeves and Curd were appointed a committee on the part of this House.

Ordered, That Mr. Calhoon inform the Senate thereof.

The said committee then retired, and after a short time, returned; when Mr. Calhoon, from the committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would forthwith make a communication (by way of message) to both houses of the General Assembly, in their respective chambers.

A message was received from the Governor, by Mr. Bullock, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before this House, a message, in writing.

And then he withdrew.

The said message was then taken up and read, as follows:

Executive Department,
August 19th, 1840.

Gentlemen of the Senate, and
House of Representatives:

The purpose of calling you together at this time is distinctly announced, in the proclamation under which you have assembled.

It is matter of regret, no doubt, with you, as it is unquestionably with me, that the omission, by the last Legislature, to re-enact the law of 1836, "prescribing the mode of choosing electors to vote for President and Vice President," has made this extra session of the Legislature necessary.

When it is remembered that the attention of the members of the last General Assembly was intensely fixed, and their labors unremittingly devoted to many exciting questions of State and National policy, it is not the part of justice to censure any one for the omission. They, like myself, no doubt believed the law of 1836 was in full force.

The Legislature having met for a special object, and so near the period at which my official connection with the Government of the State will terminate, I have not felt myself at liberty to call your attention to other subjects of general interest, or to trouble you with a statement of the fiscal condition of the Commonwealth, and the progress of her public works during the present year. Should the Legislature desire any information upon these or other subjects connected with the administration of the State government, it will give me great pleasure to furnish such as may be required by the representatives of the people.

It is not intended by the undersigned to intimate an opinion unfavorable to the power, or to the propriety of its exercise, by the Legislature now assembled, of general legislation upon all or any questions which, in the judgment of those vested with the law-making power, the public interest demands.

In the event that you may feel it your duty to proceed to the general business of legislation at this time, I will take the liberty to invite your attention to the subjects treated of in the message I had the honor of submitting to the consideration of your predecessors, with the renewed expression of my opinion that none of them, and particularly the condition of the public revenue—the necessity of providing the means to protect the credit of the State, to enable the Commonwealth to fulfil her engagements with the contractors upon her public works, and to preserve her faith inviolate with the holders of her bonds—have lost anything of interest, or diminished in importance since they were presented to the consideration of your predecessors.

I congratulate you and my fellow citizens, in being able to announce to the Legislature, that the interest due to the holders of State securities, has heretofore been promptly paid. I need not say how humiliating it must prove to every true Kentuckian, should he live to see the day when that credit which his State now possesses, shall be tarnished by the failure on the part of the Representatives of the people, to provide the means of redeem-

ing the plighted faith of the Commonwealth. She now enjoys a confidence and a credit, of which she may justly boast, when we take into consideration the derangement of the monetary concerns of the world, which now every where prevails.

Under the law of the last session, having for its object the maintenance of the public credit, &c., I have issued to contractors and public creditors for work and labor, and demands against the Commonwealth, connected with the system of Internal Improvement, the bonds of the State at par, redeemable in six years, bearing an interest of six per cent., to the amount of $367,400. I have sold to the Board of Education thirty year bonds, bearing like interest, at par, to the amount of twenty four thousand dollars.

Under the opinion that a sale of the bonds of the State could not have been effected upon the terms prescribed in the act, or upon such terms as the State ought to accept, I have not commissioned a special agent, at public expense, for that purpose, though agents have been and are now vested with authority to make contracts for the sale of State bonds upon the terms prescribed in the act of the last Legislature. My last advices from them have not created any well founded hope that a sale can or will be effected at the present time. Capitalists seem unwilling to make investments until things shall right themselves by the establishment of some system of finance by the General Government that will promise stability to capital and value to labor.

You will discover by a copy of the proceedings of the stockholders in the Bank of Kentucky, at their annual meeting in May last, which accompanies this communication, that they are of opinion some action of the Legislature is necessary to enable the President and Directors of that institution to settle and adjust the question of liability on the part of the Bank for the spurious stock issued by the agent of the Bank in Philadelphia. I have been requested by members of the Committee appointed by the stockholders specially to invite the attention of the present Legislature to this subject.

Information from Maj. W. S. Waller, now in Philadelphia, who has been employed by the Bank to separate the genuine from the spurious stock, authorizes me to express the opinion that such a result will follow the skill and labor which he has brought to bear upon the subject. He will not, however, bring his labors to a close before the 1st of October, and I do not see how the Legislature can act understandingly upon this subject until, not only the amount of spurious issue shall be known, but the holders thereof ascertained.

It was expected by the last Legislature that steps would have been taken by the proper executive officer to foreclose, by sale, the mortgage executed by the Lexington and Ohio Railroad Company to the State, as an indemnity for her endorsement upon the bonds of the company to the amount of one hundred and fifty thousand dollars, the accruing interest of which the State has been compelled to pay for the last fifteen months.

The execution of this duty by the First Auditor of the Treasury, upon whom the law devolved it, was officially required by me soon after the committee to whom the subject was referred reported that no further legislation was necessary. Why it has not been done, he may be able satisfactorily to account to the Legislature. He has not in the correspondence be-

tween us, copies of which I send you, satisfied me that his failure or refusal to advertise the property mortgaged for sale is consistent with a proper discharge of his official duties, or in accordance with the wishes or expectation of the last Legislature. It is for the Representatives of the people to determine in what mode the State is to be relieved of this constant and perplexing demand upon the Treasury of the State. If the law be defective, it should be remedied ; if the defect is alone in the officer, whose duty it is to execute the law, he should be admonished to the discharge of the same by the Representatives of the people.

The executive duties of the State will, in a few days, pass into the hands of the gentleman whom the people have recently selected to the discharge of the high and responsible duties of Chief Magistrate of Kentucky, and the duties assigned by the Commissioners of the Sinking Fund to their Treasurer, will, in all probability, be transferred to another, I must, therefore, solicit, as an act of justice to the present incumbent, and the gentlemen who have acted as Commissioners of the Sinking Fund for the last four years, that the Representatives of the people, by a committee, or in some other mode, examine the books and accounts and vouchers of the Treasurer of that fund. This is equally due to the public interest committed to the Legislature and to those who have heretofore discharged with fidelity, no doubt, the responsible and laborious duties of fiscal agents of the government. Owing to the distance at which some of the members of the Board reside from the seat of government, and the nature of their engagements as Presidents of Banks, it is often difficult to constitute a board for the transaction of business. I would respectfully suggest the propriety of adding another member to the Board, whose residence shall be at or near the seat of government.

With a tender of my best wishes for your personal welfare, and a willingness to co-operate with you in the labors which have been devolved upon you by the constitution, and with the expression of a hope that the same Providence which has watched over the interest of our common country will smile upon your efforts to promote her interest,

I subscribe myself your fellow-citizen,

C. A WICKLIFFE.

DOCUMENTS ACCOMPANYING THE GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE,
February 13, 1840.

Colonel Selby, as Auditor of Public Accounts, is charged by law with the duty of exposing to sale, at public auction, the estate and corporate priviledges of the Lexington and Ohio Railroad Company, in order to indemnify the Commonwealth for her payments and liabilities incurred by her endorsement of the bonds of the Company for one hundred and fifty thousand dollars. A committee of the Legislature (of the Senate) have reported that no further legislation upon that subject is necessary to enable the officers of the State Government to inforce the lien. No provision has, as yet, been made by the Legislature for the payment of the next instalment of interest due on said debt, and it is believed the company are making none. You will therefore

perceive that the existing law leaves you, as Auditor, no discretion; and the sooner you proceed to execute the duty assigned you by law, the sooner the State will be rid of the embarrassment which the failure of the Company to discharge her obligations has and will impose upon the State. The law requires six months' notice to be given.

Yours,

C. A. WICKLIFFE.

Executive Office,
May 16, 1840.

Sir:

By reference to my letter to you under date of the 13th February, 1840, you will see your attention was called to the duties prescribed to the Auditor, by the act of the Legislature directing the endorsement of the State to be made upon the bonds of the Lexington and Ohio Railroad Company, in case the said Company failed to pay the interest or debt, and save the State harmless; and the propriety of advertising and selling said road and its effects, or so much thereof as would be sufficient to indemnify the State, was urged upon you. I have seen no advertisement by you in the public journals of Frankfort, of the time and place of this sale. You will be good enough to report to me, in writing, why it is you have not proceeded to advertise the time and place of sale, as required by the act referred to. This law treats the Auditor as the agent of the Government; nevertheless, as the Executive of the State, its execution falls within the general constitutional supervision imposed upon the Governor—to see that the laws be faithfully executed: and if there exists any reasons why the provisions of this law has not been executed, I desire to be officially informed of them.

Respectfully, yours,

C. A. WICKLIFFE.

To Ben. Selby, Esq.
Auditor Public Accounts.

State of Kentucky, Auditor's Office,
May 20th, 1840.

Dear Sir:

I have the pleasure afforded me to acknowledge the receipt of yours of the 16th instant, on the subject of the Lexington and Ohio Railroad Company, which refers me to a previous letter of yours, on the same subject, to which I verbally responded that I needed time to gather the necessary information: for, at that time, I was totally ignorant of what my duty was, and, in fact, the further I look into the subject-matter under consideration, the darker and deeper it appears—and almost I am ready to say, that without further legislation in the matter, that I feel unprepared to act. But such conclusion would be in opposition to the opinion of the Committee on Internal Improvement of the Senate, last session, who reported that no further action of Legislature is necessary, therefore, I should hesitate before a single step is taken by me with a seeming appearance of opposition to the re-

port made by the honorable committee above referred to; for in truth, sincerely told, I mean nothing but an honest, fair move on all subjects, and particularly in this, where such almost unlimited powers are vested in me, as Auditor of Public Accounts, in a matter wherein the State of Kentucky hold such deep and heavy interest. I am yet in vigilant search for other and further light into the ramified interest of said company. Perhaps there may be surplus unincumbered claims which could be spared from the road, to raise funds sufficient to meet the present demands on the Company—I mean unincumbered, except the lien the City of Louisville holds, which may amount to the total suspension of the State's lien for a time, of which I have not, but will shortly inquire. The Legislature is expected to be called earlier than the time of the regular session, to which (if I am not previously prepared) I would be pleased their attention were drawn.

I am, very respectfully, yours, &c.,

BEN. SELBY, *Auditor.*

CHARLES A. WICKLIFFE, Esq.,
Lieutenant and Acting Governor.

EXECUTIVE DEPARTMENT,
May 27, 1840.

DEAR SIR:

Yours of the 20th May has this day been received by me. My absence since the 21st, may account for its not having been earlier noticed.

You have assigned no reasons sufficient, in my judgment, to justify your delay. If you have difficulties of a legal character, in the discharge of any official act, the law makes it your duty to call upon the Attorney General for his opinion and advice, and to request it in writing. When given in this form, it is then your justification. You speak of liens which the City of Louisville has upon the road. Have you any evidence, legal or official, that Louisville has any lien? And, if you have, are you the person to settle its effects? What have you, as Auditor, to do with hunting up or selling other means or effects than those embraced in the mortgage? If Louisville has a lien upon the whole or any part of the road (that she has none paramount to the State's lien, I have satisfied myself, and of which fact the committee of the Legislature were also satisfied,) she can assert it as well after as before the sale. The Legislature expected this law to have been executed; and, while I am willing to allow your claim in this case—"that in truth, sincerely told, you mean nothing but an honest, fair move in all cases, and particularly in this," &c.—yet, I must be permitted to say, you have made, in the execution of this law, a very slow "move." I know enough of the affairs of this Company to know that the delay to act (and which you say you will still continue until the Legislature meets) has been and will be detrimental to the interest of the State. Having, however, done my duty, in requiring you to act, I shall leave the question of responsibility to you and th Legislature, to be settled in the way which the public interest shall dictate.

Yours, respectfully,

C. A. WICKLIFFE.

BEN. SELBY, Esq.,
Auditor of Public Accounts.

Bank of Kentucky,
Louisville, May 5th, 1840.

Sir:

At the annual election of Directors on the part of the Stockholders, held on the 4th inst. the following gentlemen were elected for the ensuing year, viz:

William Fellowes, James Guthrie, D. S. Benedict, Wm. B. Phillips, Angereau Gray, George Keats, John Bustard, Jacob Beckwith.

At a meeting of the Board of Directors on this day, Virgil McKnight, Esq., (a Director on the part of the State,) was elected President, in the place of Wm. H. Pope, Esq. resigned.

Below you have the President's signature.

Very respectfully,
GEO. C. GWATHMEY, *Cashier*.

[Virgil McKnight.]

To His Excellency, Charles A. Wickliffe,
Frankfort, Ky.

Bank of Kentucky,
Louisville, May 11, 1840.

Dear Sir:

I have the honor to hand you, annexed, the proceedings of the stockholders of this Institution, at their late annual meeting.

It will afford me pleasure to receive or impart any information which is deemed important to the Commonwealth, in adjusting the difficulties arising from the over-issue of the stock of this Bank by the agency in Philadelphia.

Very respectfully,
Your obedient servant,
VIRGIL McKNIGHT.

To His Excellency, Charles A. Wickliffe,
Frankfort, Ky.

At the annual meeting of the stockholders of the Bank of Kentucky, convened at their banking house in the City of Louisville, on Monday, the 4th day of May, 1840—present, His Excellency Charles A. Wickliffe, lieutenant and acting Governor of Kentucky, representing the stock and interest of the Commonwealth, and of the Commissioners of the Sinking Fund, and of the Board of Education; James Guthrie, stockholder, and George Keats, John W. Heiat, for himself and as proxy for Logan's heirs, Richard Pindell, the Lexington Life, Fire and Marine Insurance Company, E. P. Johnson, A. D. Hunt and J. O. Harrison, and Wm. Fellowes, stockholders, and Wm. Drayton, Geo. Handy and B. W. Richards, for themselves respectively as stockholders and as proxies for divers other stockholders, whose stock amounts in the whole, to 9,541 shares of the capital stock of said bank, whose names

and the amount of whose stock respectively are stated in their powers of attorney presented to the meeting and filed in the archives of the bank; also, Thos Smith, as owner of 100 shares, and as proxy for others owning 500 shares; also, John Bustard, as holder of 406 shares, and M. R. Stealey of 30 shares, C. Samuel of 5 shares, Wm. B. Phillips of 25 shares, and as agent for 41 shares, and Virgil McKnight as owner of 26 shares, L. L. Shreve of 21 shares, Th. Anderson of 237 shares as owner and proxy, P. G. Kintner of 80 shares, Edw. McAlister of 95 shares, Thos. T. Shreve of 41 shares, J. B. Bowles of 387 shares, A. Gray of 25 shares, Chas. Miles of 25 shares, J. Manners of 240 shares, J. C. Wentzel of 35 shares, Paul Reinhard of 25 shares, D. S. Benedict of 25 shares, Joseph Swagar of 25 shares, A. S. Parker of 489 shares, G. W. Meriwether of 1 share, W. H. Pope of 25 shares, Thomas M. Hickey of 53 shares, Frederick Schorch of 25 shares, and David Heran of 25 shares.

On motion, Col. Wm. Drayton, of Philadelphia, was called to the chair, and Thos. M. Hickey was appointed Secretary: whereupon, Jas. Guthrie, Esq. offered the following resolutions, viz:

Resolved, That in all meetings of the stockholders, for any purpose other than that of electing directors to the bank, the Commonwealth of Kentucky has a right to be represented to the extent of her stock, as the other stockholders.

Resolved, That, in the election of directors for the Bank of Kentucky, on this day, all who appear to be stockholders on the books of the principal bank, and at the agency in Philadelphia and New York, shall be permitted to vote; and that such exercise of the privilege shall in no way affect the question of an over-issue of certificates, either for or against the holders of the genuine, or of the excessive issues of certificates.

Which resolutions were adopted.

His Excellency C. A. Wickliffe, offered the following resolutions:

Resolved, That the President and Directors of the Bank of Kentucky be, and they are hereby directed, to proceed with all practicable despatch, to ascertain the amount of the spurious stock, and the holders thereof, which has been issued by the transfer agency at Philadelphia; and that they pursue, with as little delay as may be consistent with the nature of the business, all the remedies furnished by the law to recover indemnity from the President, Directors and Company of the Schuylkill Bank, for the loss sustained by the Kentucky Bank, consequent upon such issue of spurious stock by the agency at Philadelphia.

Resolved, That the President and Directors be authorized to employ a special agent to superintend the interest of the Bank concerning this subject, at a fair compensation; and they are further authorized to empower such agent to make, on the part of the Bank of Kentucky, with the Schuylkill Bank, under the advice of counsel, an agreed case of the facts upon the question of liability of the said Bank to the Kentucky Bank, and thereby bring the subject to that speedy adjustment which the interest of all parties demands.

Resolved, That a committee consisting of five persons, to be named by the chairman, be appointed to take such means as they shall deem to be expedient to bring before the Legislature of this State, all questions which may be raised as to the rights of the stockholders in the Bank of Kentucky, holding their certificates from the agency of the Schuylkill Bank at Philadelphia, or

the Union Bank at New York, or such as may have originally derived the stock from such agencies, for the purpose of obtaining from the Legislature the passage of an act to settle, upon just and equitable principles, the rights of the said stockholders, and of the other stockholders in the Bank of Kentucky; and that said committee have power to fill any vacancies that may arise in their body.

Which were unanimously adopted.

On motion, the meeting adjourned until to-morrow morning at 9 o'clock.

(Signed) WM. DRAYTON, *Chairman.*

THOS. M. HICKEY, *Secretary.*

Tuesday, May 5th, 1840.

The Stockholders met pursuant to adjournment.

On motion of James Guthrie, Esq. the following resolution was adopted:

Resolved, That the President and Directors of the Bank of Kentucky be, and they are hereby authorized, until the next annual meeting of the stockholders, to allow any director or directors a reasonable compensation for any extraordinary services which they may find it to the interest of the Bank to require from a Director.

On motion of B. W. Richards, Esq. the following resolution was adopted:

Resolved, That the directors be instructed to declare no dividend until the claims upon the Bank, arising from the fraudulent issues of stock by the agency of the Schuylkill Bank, are finally adjusted.

His Excellency Charles A. Wickliffe, offered the following resolution, which was adopted:

Resolved, That the provisions of the act, entitled, an act to restore the privileges of the Banks when they resume specie payments, approved the ——— day of February, 1840, so far as the same change any of the principles or provisions of the original charter, be adopted by the coporators as part of the charter of the Bank of Kentucky.

The chairman appointed the committee of five under the resolution of yesterday, requiring such committee, viz: For the Commonwealth of Kentucky, Messrs. James Weir, Jas. G. Dana, and Thos. Smith, of Henry; for the Commonwealth of Pennsylvania, B. W. Richard, and for the State of New York, John Rathbone.

On motion of His Excellency, Charles A. Wickliffe,

Resolved, That the proceedings of this meeting be signed by the chairman and secretary, and preserved in the archives of the Bank, and published under the direction of the Board of Directors.

And the meeting adjourned.

(Signed) WM. DRAYTON, *Ch'n.*

THOS. M. HICKEY, *Sec'y.*

On motion of Mr. Speed,

Ordered, That the Public Printer forthwith print 150 copies of said message for the use of the members of the General Assembly.

On motion of Mr. Forman,

Ordered, That the rules of the last Legislature be adopted for the govern-

ment of the present, and that the Public Printer forthwith print 150 copies of said rules, for the use of the members of this House.

Mr. Ford moved the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the election of Electors to vote for President and Vice President of the U. States, be referred to a select committee of thirteen.

Which being twice read, was adopted.

And then the House adjourned.

THURSDAY, AUGUST 20, 1840.

Mr. James C. Sprigg, a member returned to serve in this House from the county of Shelby; Mr. Joseph W. Rowlett, from the county of Owen; Mr. Lessonby Nance, from the county of Trigg; Mr. Aaron Harding, from the county of Green, and Mr. Green V. Goble, from the counties of Lawrence and Carter, appeared, and having produced certificates of their elections, and of their having taken the oath prescribed by the Constitution and Laws of this State, took their seats.

A message was received from the Senate, announcing the passage of bills and a resolution, of the following titles, viz:

An act prescribing the mode of choosing Electors to vote for President and Vice President of the United States.

An act to add the county of Owen to the Fourth Judicial District, and for other purposes.

A resolution for the adjournment of the General Assembly.

The Speaker announced the following committee, in pursuance of the resolution moved by Mr. Ford, on yesterday, viz:

Messrs. Ford, Calhoon, Brien, McHenry, Reeves, Caldwell, Adams, Hazlerigg, C. A. Marshall, Clay, Johnson, Speed, and Moore.

The Speaker laid before the House a communication from the First Auditor, which is as follows, viz:

STATE OF KENTUCKY,
Auditor's Office, August 20, 1840.

SIR:

The Lieutenant and Acting Governor, Charles A. Wickliffe, Esq. has been pleased to refer you, and the House over which you have the honor to preside, in his recent message, to a case (as he says) of official neglect in me. I am happy the reference is made, to which I shall respond, by laying before you, all the information I have been enabled to procure on that subject; if

not at this time, it shall be attended to at an early day of your annual meeting next winter. Permit me to say, that a mortgage has been regularly entered into and recorded, under the act approved Feb. 15, 1838, "for the benefit of the Lexington and Ohio Railroad Company."

I am, respectfully, yours, &c.

BEN. SELBY, *Auditor.*

Hon. C. S. Morehead,
Speaker H. Representatives.

Mr. Cofer presented the petition of sundry citizens of Hardin county, praying the establishment of an election precinct in said county; which was received and read.

Mr. Hammond moved the following resolution, viz:

Resolved, That a select committee of five be appointed to enquire into the cause why the First Auditor did not proceed to foreclose the mortgage executed by the Lexington and Ohio Railroad Company to the State, as an indemnity for her endorsements upon the bonds of the company, to the amount of one hundred and fifty thousand dollars, the accruing interest of which the State has been compelled to pay for the last fifteen months; and report by bill or otherwise.

On motion of Mr. Reeves,

Ordered, That said resolution be laid on the table until the first day of the next session.

The Clerk, in pursuance of the rule of the House, appointed Mr. John C. Herndon as an assistant in the discharge of the duties of his office, during the present session.

Mr. Rowlett asked leave to bring in a bill to amend an act, entitled, an act to provide for the payment of the public contractors, and to preserve the faith of the State.

And the question being taken on granting the leave, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rowlett and Newell, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hazlerigg,	Riffe,
Messrs. Atkinson,	Hawkins,	Raymon,
Bullock,	Hays,	Rowlett,
Bruton,	Hardin,	Speed,
Colyer,	Hart,	Skiles,
Combs,	Innis,	Snyder,
Curle,	Johnson,	Stephens,
Clay,	Kirtley,	Smith, B.
Cofer,	Lackey,	Taylor,
Chilton,	Loving,	Thomas,
Craddock,	Marshall, W. C.	Triplett,
Davidson,	Mitchell,	Thomasson,

Draffin,	Morgan,	Towles,
Fletcher,	Moore,	Vance,
Gray,	Newell,	Wakefield,
Gabbert,	Paris,	Watts,
Goodson,	Park,	Watkins,
Hammond,	Perciful,	White—54.

Those who voted in the negative were—

Messrs. Adams,	Graham,	Pittman,
Brent,	Goble,	Rudd,
Bush,	Haggard,	Reeves,
Buckner,	Haydon,	Shanks,
Brien,	Harding,	South,
Botts,	Howard,	Stockton,
Calhoon,	Imboden,	Smith, H. H.
Chenault,	Lair,	Sprigg,
Cunningham,	Mason,	Trussell,
Curd,	Marshall, W. N.	Williams,
Crenshaw,	Marshall, C. A.	Wortham,
Forman,	McHenry,	Woodson—38.
Ford,	Nance,	

Ordered, That Messrs. Rowlett, Skiles, Bullock, Newell, Speed, and Johnson, be a committee to prepare and bring in the same.

Mr. Atkinson asked leave to bring in a bill to amend the law in relation to the town of Russellville.

And the question being taken on granting leave, it was decided in the negative.

A bill from the Senate, entitled, an act prescribing the mode of choosing Electors to vote for President and Vice President of the United States—was read tke first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the same do pass, and that the title thereof be as aforesaid.

Mr. Moore moved the following resolution, viz:

Whereas, it is important to the correct administration of the public affairs of this Commonwealth, that an accurate and lucid exposition of its finances should be prepared for the use of the Legislature and the information of the People: Therefore,

Resolved, That the *Auditors* of the Treasury be directed to prepare and lay before this Legislature, at its future session, a digested statement of all its expenses, from the year 1828 to the first day of next December; shewing the annual amount for each class of expenditures, arranged in tables, and showing the annual increase or decrease of each class.

On motion of Mr. Hammond,

Ordered, That said resolution be laid on the table.

A bill from the Senate, entitled, an act to add the county of Owen to the Fourth Judicial District, and for other purposes, was read the first time.

On motion of Mr. Johnson,

Ordered, That said bill be laid on the table.

A message was received from the Senate, announcing the passage of a bill and resolutions from that House of the following titles, viz:

An act to amend an act, entitled, an act to change the January term of the General Court, approved January 4, 1839.

A resolution to appoint a committee to examine the books and accounts of the Treasurer of the Commissioners of the Sinking Fund.

A resolution authorizing the Treasurer to make a temporary loan.

The House then took up for consideration the resolution from the Senate, for the adjournment of the General Assembly.

On motion of Mr. Speed,

Ordered, That said resolution be laid on the table for the present.

Mr. Rowlett, from the select committee appointed to prepare and bring in the same—reported a bill to amend an act, entitled, an act to provide for the payment of the public contractors, and to preserve the faith of the State.

Which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor of the Commonwealth be, and he is hereby, authorized to issue the amount remaining unsold, or so much as may be actually necessary to meet the existing contracts of the State, only, of the one million of dollars authorized to be issued by the first section of an act, entitled, an act to provide for the payment of the public contractors, and to preserve the faith of the State, approved February 21, 1840—redeemable at any time after six years, bearing an interest not exceeding six per cent. per annum, payable semi-annually at the public treasury; and to sell the same in amounts not less than five dollars, and at a rate not less than par value, in Kentucky currency.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Sprigg moved to lay said bill on the table until the first day of November next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Ford,	Rudd,
Atkinson,	Fletcher,	Reeves,
Brent,	Graham,	Shanks,
Bush,	Goble,	South,

Buckner,	Haggard,	Stockton,
Brien,	Haydon,	Smith, H. H.
Botts,	Harding,	Smith, B.
Calhoon,	Howard,	Sprigg,
Chenault,	Imboden,	Thomasson,
Cunningham,	Lair,	Trussell,
Combs,	Marshall, W. N.	Williams,
Curd,	Marshall, C. A.	Wortham,
Crenshaw,	Nance,	Woodson—41.
Forman,	Pittman,	

Those who voted in the negative were—

Mr. Speaker,	Hays,	Perciful,
Messrs. Bullock,	Hardin,	Riffe,
Bruton,	Hart,	Raymon,
Colyer,	Innis,	Rowlett,
Curle,	Johnson,	Speed,
Clay,	Kirtley,	Skiles,
Cofer,	Lackey,	Snyder,
Chilton,	Loving,	Stephens, N. B.
Craddock,	Mason,	Taylor,
Davidson,	Marshall, W. C.	Thomas,
Draffin,	McHenry,	Triplett,
Gray,	Mitchell,	Towles,
Gabbert,	Morgan,	Vance,
Goodson,	Moore,	Wakefield,
Hammond,	Newell,	Watts,
Hazlerigg,	Paris,	Watkins,
Hawkins,	Park,	White—51.

Mr. Calhoon moved the following as a substitute for said bill, viz:

That the Governor be, and he is hereby authorized to sell such an amount of State bonds, of the denomination of one thousand dollars, payable in thirty years, bearing an interest of six per cent. per annum, as will raise a sufficient sum of money to pay the debts now due contractors upon the public works.

Mr. Moore moved to amend said substitute, by adding thereto the following section, viz:

Be it further enacted, That the Governor be, and he is hereby, authorized to sell so much of the thirty year bonds of Kentucky, as may be sufficient to pay to contractors who have heretofore received the six year State bonds of Kentucky, at par, fifteen per cent. upon the amount of said six year bonds so received by them, as to indemnify them for the loss they have sustained.

Mr. Davidson moved to lay said bill and amendments on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rowlett and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Graham,	Pittman,
Messrs. Adams,	Gabbert,	Riffe,
Atkinson,	Goble,	Rudd,
Brent,	Haggard,	Raymon,
Bush,	Haydon,	Reeves,
Buckner,	Hazlerigg,	Shanks,
Brien,	Harding,	South,
Botts,	Howard,	Stockton,
Bruton,	Innis,	Snyder,
Colyer,	Imboden,	Stephens, N. B.
Calhoon,	Kirtley,	Smith, H. H.
Chenault,	Lackey,	Smith, B.
Cunningham,	Lair,	Sprigg,
Combs,	Mason,	Thomasson,
Curle,	Marshall, W. C.	Towles,
Curd,	Marshall, W. N.	Trussell,
Cofer,	Marshall, C. A.	Vance,
Crenshaw,	McHenry,	Watts,
Davidson,	Mitchell,	Williams,
Forman,	Nance,	Wortham,
Ford,	Park,	Woodson—64.
Fletcher,		

Those who voted in the negative were—

Messrs. Bullock,	Hardin,	Rowlett,
Clay,	Hart,	Speed,
Chilton,	Johnson,	Skiles,
Craddock,	Loving,	Taylor,
Draffin,	Morgan,	Thomas,
Gray,	Moore,	Triplett,
Goodson,	Newell,	Wakefield,
Hammond,	Paris,	Watkins,
Hawkins,	Perciful,	White—28.
Hays,		

On motion of Mr. Calhoon—Leave was given to bring in a bill for the appropriation of money.

Ordered, That Calhoon, Bullock and Towles prepare and bring in the same.

Ordered, That a committee on Enrollments be appointed: and a committee was appointed, consisting of Messrs. Speed, South, Curd and Vance.

Ordered, That Mr. Speed inform the Senate thereof.

Mr. Calhoon, from the committee appointed to prepare and bring in the same—reported a bill for the appropriation of money.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House then took up for consideration the resolution from the Senate to appoint a committee to examine the books and accounts of the Treasurer of the Commissioners of the Sinking Fund.

On motion of Mr. Sprigg,

Ordered, That said resolution be laid on the table.

Mr. Bullock moved the following resolution, viz:

Resolved, That the Public Printer cause the Journals of the present called session of the General Assembly of Kentucky to be bound in the preceding part of the Journals of the regular session, which is to take place on the first Monday in December next. Which being twice read, was adopted.

Mr. Speed, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill from the Senate, entitled, an act prescribing the mode of choosing Electors to vote for President and Vice President of the United States, and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Speed inform the Senate thereof.

Mr. Lackey moved the following resolution, viz:

Whereas, it is important, for the purpose of future legislation, in the present embarrassed condition of the public Treasury, that free and full information in relation to the receipts and disbursements thereof should be laid before the People and the Legislature: Therefore,

Resolved, That the Anditors of the Treasury be directed to prepare a full and fair statement of all moneys received into the Treasury, from the first of January, 1830, to the first of September, 1840; designating the source from whence received, and the amount received in each year; also, all moneys disbursed during the same period, showing the amount expended each year, and the objects on which expended; and the full amount of the State's indebtedness up to the first day of September, 1840; and report the same to the next Legislature, on the first Monday in December next, arranged in tables, and showing the annual increase or decrease of each class.

Mr. Hammond moved to lay said resolution on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Lackey and Brien, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Forman,	Marshall, W. C.
Brent,	Ford,	Marshall, C. A.
Bush,	Fletcher,	Park,
Buckner,	Haggard,	Rudd,
Botts,	Hammond,	Snyder,
Bullock,	Hazlerigg,	Sprigg,
Colyer,	Hays,	Towles,
Cunningham,	Hardin,	Trussell,
Curle,	Kirtley,	Vance,
Curd,	Loving,	Wakefield,
Cofer,	Mason,	Watts—34.
Draffin,		

Those who voted in the negative were—

Mr. Speaker,	Hart,	Raymon,
Messrs. Atkinson,	Harding,	Rowlett,
Brien,	Howard,	Shanks,
Bruton,	Innis,	Speed,
Calhoon,	Imboden,	South,
Chenault,	Johnson,	Stockton,
Combs,	Lackey,	Skiles,
Clay,	Lair,	Stephens, N. B.
Chilton,	Marshall, W. N.	Smith, H. H.
Craddock,	McHenry,	Smith, B.
Crenshaw,	Mitchell,	Taylor,
Davidson,	Morgan,	Thomas,
Graham,	Moore,	Triplett,
Gray,	Newell,	Thomasson,
Gabbert,	Nance,	Watkins,
Goodson,	Paris,	Williams,
Goble,	Pittman,	White,
Haydon,	Perciful,	Wortham,
Hawkins,	Riffe,	Woodson—57.

The question was then taken on the adoption of said resolution, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Lackey and Howard, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hays,	Riffe,
Messrs. Atkinson,	Hart,	Raymon,
Brien,	Harding,	Rowlett,
Calhoon,	Howard,	Shanks,
Chenault,	Imboden,	Speed,
Curd,	Kirtley,	South,
Clay,	Lackey,	Skiles,
Cofer,	Loving,	Stephens, N. B.
Chilton,	Marshall, W. N.	Smith, H. H.
Craddock,	McHenry,	Taylor,
Crenshaw,	Mitchell,	Thomas,
Davidson,	Morgan,	Triplett,
Graham,	Moore,	Thomasson,
Gray,	Newell,	Watkins,
Goodson,	Nance,	Williams,
Goble,	Paris,	White,
Haydon,	Park,	Wortham,
Hawkins,	Perciful,	Woodson—54.

Those who voted in the negative were—

Messrs. Brent,	Ford,	Pittman,
Bush,	Fletcher,	Rudd,
Buckner,	Gabbert,	Stockton,
Botts,	Haggard,	Snyder,

Bullock,	Hammond,	Smith, B.
Bruton,	Hazlerigg,	Sprigg,
Colyer,	Hardin,	Towles,
Cunningham,	Innis,	Trussell,
Combs,	Mason,	Vance,
Curle,	Marshall, W. C.	Wakefield,
Draffin,	Marshall, C. A.	Watts—34.
Forman,		

A message was received from the Senate, announcing the passage of a bill from this House entitled, an act for the appropriation of money—with an amendment. The said amendment was then twice read and concurred in.

The House took up from the table the resolution from the Senate for the adjournment of the General Assembly.

The said resolution was then twice read and adopted.

On motion of Mr. Cofer—Leave was granted to withdraw the petition of sundry citizens of Hardin county, praying the establishment of an election precinct in said county; which petition was withdrawn.

A bill from the Senate, entitled, an act to amend an act, entitled, an act to change the term of the General Court, approved Jan. 4, 1839—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the same do pass, and that the title thereof be as aforesaid.

The House then took up for consideration the resolution from the Senate authorizing the Treasurer to make a temporary loan.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Skiles, are as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Pittman,
Messrs. Adams,	Goodson,	Riffe,
Atkinson,	Haggard,	Rudd,
Brent,	Haydon,	Raymon,
Bush,	Hazlerigg,	Rowlett,
Buckner,	Hawkins,	Reeves,
Brien,	Hays,	Shanks,
Botts,	Hardin,	Speed,
Bullock,	Hart,	South,
Bruton,	Harding,	Stockton,
Colyer,	Howard,	Snyder,
Calhoon,	Innis,	Stephens, N. B.
Chenault,	Imboden,	Smith, H. H.

Cunningham,	Johnson,	Smith, B.
Combs,	Kirtley,	Thomas,
Curle,	Lackey,	Triplett,
Curd,	Loving,	Thomasson,
Clay,	Mason,	Towles,
Cofer,	Marshall, W. C.	Trussell,
Chilton,	Marshall, C. A.	Vance,
Craddock,	McHenry,	Wakefield,
Crenshaw,	Mitchell,	Watts,
Davidson,	Morgan,	Watkins,
Draffin,	Moore,	Williams,
Forman,	Newell,	White,
Fletcher,	Nance,	Wortham,
Graham,	Park,	Woodson—82.
Gray,		

Those who voted in the negative were—

Messrs. Hammond,	Perciful,	Sprigg,
Paris,	Skiles,	Taylor—6.

Mr. Vance, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a resolution from the Senate and this House of the following titles, and had found the same truly enrolled:

An act for the appropriation of money.

An act to amend an act, entitled, an act to change the January term of the General Court, approved January 4, 1839.

A resolution authorizing the Treasurer to make a temporary loan.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Vance inform the Senate thereof.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had (on this day) approved and signed an enrolled bill which originated in this House, entitled, an act for the appropriation of money.

A message was received from the Senate, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed enrolled bills and a resolution which originated in that House, of the following titles, viz:

An act prescribing the mode of choosing Electors to vote for President and Vice President of the United States.

An act to amend an act, entitled, an act to change the January term of the General Court, approved January 4, 1839.

A resolution authorizing the Treasurer to make a temporary loan.

The Sperker having left the chair, Mr. Speed moved the following resolution, viz:

Resolved, That the thanks of this House be presented to the Speaker, for

the correct, impartial and dignified manner in which he has discharged the duties of his office at the present session.

Which being twice read, was unanimously adopted.

A message was received from the Senate, announcing that they had closed their legislative business, and were now ready to close the present session of the General Assembly, by an adjournment, on their part, without day; and had appointed a committee to act in conjunction with a committee on the part of this House, to wait on the Governor, and inform him of the proposed adjournment of the General Assembly, and to know if he had any further communications to make.

Whereupon Messrs. Ford, W. C. Marshall, Davidson, Trussell and Stockton, were appointed a committee on the part of this House.

Ordered, That Mr. Ford inform the Senate thereof.

The committee then retired, and in a short time returned; when Mr. Ford, from said committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that, having, during the present session, communicated his views to the General Assembly, he had now no further communications to make.

Whereupon the Speaker, having delivered a congratulatory and valedictory address, adjourned the House *sine die*.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD

IN THE TOWN OF FRANKFORT, ON MONDAY, THE SEVENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1840, AND OF THE COMMONWEALTH THE FORTY NINTH.

DECEMBER SESSION.

FRANKFORT, KY.
A. G. HODGES.....STATE PRINTER.
1840.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

At a General Assembly, begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Monday, the 7th day of December, in the year of our Lord, 1840, and in the forty ninth year of the Commonwealth—on which day (being that designated by law,) the following members of the House of Representatives appeared, viz:

From the county of *Adair*—George A. Caldwell.
From the county of *Allen*—Robert H. Paris.
From the county of *Anderson*—John Draffin.
From the county of *Barren*—B. M. Crenshaw and Jos. B. Stockton.
From the county of *Bracken*—Wm. C. Marshall.
From the counties of *Butler and Edmonson*—Ambrose Kirtley.
From the county of *Boone*—Randal Latimer.
From the county of *Bourbon*—John Cunningham and Charles S. Brent.
From the county of *Bullitt*—John Graham.
From the county of *Bath*—Harvey G. Hazlerigg.
From the county of *Breckinridge*—John Calhoon.
From the counties of *Cumberland* and *Clinton*—James Haggard.
From the counties of *Carroll* and *Gallatin*—Edmund W. Hawkins.
From the county of *Casey*—George C. Riffe.
From the counties of *Clay* and *Perry*—Elijah Combs, jr.
From the county of *Caldwell*—Jesse Stevens.
From the county of *Calloway*—James Brien.
From the county of *Campbell*—John J. Thomas.
From the county of *Clarke*—Pleasant Bush.
From the county of *Christian*—Jas. F. Buckner and Daniel H. Harrison.
From the county of *Daviess*—George W. Triplett.
From the county of *Estill*—Ebenezer Park.
From the county of *Fayette*—Clayton Curle.

From the county of *Franklin*—Charles S. Morehead.
From the counties of *Floyd* and *Pike*—Alexander Lackey.
From the county of *Fleming*—John H. Botts and Woodson Morgan.
From the county of *Grayson*—Wm. M. Gray.
From the county of *Grant*—Napoleon B. Stephens.
From the county of *Graves*—John Wortham.
From the county of *Greenup*—Basil Waring.
From the county of *Garrard*—George B. Mason.
From the county of *Green*—Wm. N. Marshall and Aaron Harding.
From the county of *Hopkins*—Hiram H. Smith.
From the county of *Henderson*—Thomas Towles, jr.
From the county of *Harrison*—Hugh Newell and Alex'r H. Innes.
From the county of *Hardin*—John Cofer and James W. Hays.
From the county of *Hart*—George W. Craddock.
From the county of *Hickman*—John Shaw.
From the county of *Jefferson*—Wm. R. Vance.
From the county of *Jessamine*—Tucker Woodson.
From the county of *Kenton*—John A. Goodson.
From the counties of *Lawrence* and *Carter*—Green V. Goble.
From the city of *Louisville*—Wm. F. Bullock and James Rudd.
From the county of *Livingston*—Joseph Watts.
From the county of *Lincoln*—David Shanks.
From the county of *Laurel*—Mark A. Watkins.
From the county of *Lewis*—Mandley Trussell.
From the county of *Logan*—James W. Davidson and Sherwood W. Atkinson.
From the county of *Marion*—John Shuck.
From the county of *Muhlenburg*—B. E. Pittman.
From the county of *Mason*—Thos. M. Forman and Charles A. Marshall.
From the county of *Montgomery*—James Bruton.
From the county of *Monroe*—Wm. G. Howard.
From the county of *Madison*—Wm. Chenault and Jefferson Williams.
From the county of *Meade*—James D. Perciful.
From the county of *McCracken*—Robert Fletcher.
From the county of *Mercer*—Elijah Gabbert.
From the county of *Nelson*—Thos. Speed and James P. Hardin.
From the counties of *Ohio* and *Hancock*—John H. McHenry.
From the county of *Oldham*—Edward M. Taylor.
From the county of *Owen*—Joseph W. Rowlett.
From the county of *Pendleton*—Thomas W. Hart.
From the county of *Pulaski*—Berry Smith.
From the county of *Rockcastle*—Charles Colyer.

From the county of *Shelby*—James Ford.
From the county of *Scott*—George W. Johnson.
From the county of *Spencer*—James Wakefield.
From the county of *Todd*—Benjamin H. Reeves.
From the county of *Trimble*—John J. Thomasson.
From the county of *Union*—John Imboden.
From the county of *Wayne*—Leo Haydon.
From the county of *Woodford*—Zachariah White.
From the county of *Warren*—Wm V. Loving.
From the county of *Whitley*—Joel Snyder.
From the county of *Washington*—Robert Mitchell.

Mr. Randal Latimer, the member returned to serve in this House from the county of Boone; Mr. John Shaw, the member returned to serve in this House from the county of Hickman; Mr. John Shuck, the member returned to serve in this House from the county of Marion; Mr. Daniel H. Harrison, the member returned to serve in this House from the county of Christian; and Mr. Jesse Stevens, the member returned to serve in this House from the county of Caldwell, having severally produced certificates of their elections, and of their having taken the oaths prescribed by the constitution and laws of this State, took their seats.

Mr. Charles S. Morehead, the Speaker elected at the called session, in August last, took the chair, and made the following remarks, viz:

Gentlemen:

Having been called upon to act as your presiding officer at our recent extra session, I have heard the suggestion made, that the tenure of office of those then elected, was limited to that session. I immediately came to the determination, and so announced it, to permit no question to arise on the subject, by at once resigning any pretensions which it might be supposed I had, and, so far as regards myself, of submitting the whole matter again to your consideration. But on this morning, I have been solicited by those expressing their doubts as to the effect of the former election, to take the chair; and I have done so, under the hope that there may be some expression of the opinion of the House; in which, whatever it may be, I shall, with great pleasure, acquiesce.

Mr. Speed then moved the following resolution, viz:

Resolved, That under the 7th section of the 2d article of the Constitution, giving to the House of Representatives the right to choose its Speaker, and other officers, the House possesses the right, at any time, when it may think proper, to re-elect them; but inasmuch as the House was duly organized at the called session, in August last, by the choice of a Speaker, and other officers, the House deems it inexpedient now to exercise its right of re-electing its officers, and will proceed to business under the organization made at the called session.

Which being twice read, was unanimously adopted.

Ordered, That Mr. Ford inform the Senate that this House having met, formed a quorum and organized, are now ready to proceed to legislative business.

A message was received from the Senate, by Mr. Pratt:

Mr. Speaker: I am directed by the Senate to inform this House, that the Senate having met, formed a quorum and elected their officers, are now ready to proceed to legislative business. They have also appointed a committee of three on their part, to act in conjunction with a committee on the part of this House, to wait on the Governor, and inform him that they are now ready to receive such communication (by way of message) as he may think proper to make.

And then he withdrew.

Whereupon Messrs. Bush, Park and Vance were appointed a committee on the part of this House.

Ordered, That Mr. Bush inform the Senate thereof.

The said committee then retired, and after a short time, returned; when Mr. Bush, from the committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would, at 12 o'clock, make a communication (by way of message) to both Houses of the General Assembly, in their respective chambers.

A message was received from the Governor, by Mr. Harlan, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before this House a message, in writing. And then he withdrew.

The said message was then taken up, and read, as follows:

Gentlemen of the Senate
and House of Representatives:

As the representatives of a free and enlightened people, you have again assembled to devote your time and talents in devising the best means for the promotion of the welfare and happiness of our common country. As a co-laborer in this responsible task, I welcome you with the assurance of my hearty co-operation in every measure that may be calculated to advance our country's good. The history of the last few years affords us a salutary lesson of the vicissitudes of life, and of the instability of human affairs, and forcibly admonishes us of our dependence upon HIM who controls the universe, and bestows his blessings and inflicts his chastisements, as well upon nations as upon individuals. We should be grateful that our own beloved State, which is fortunately more agricultural than commercial in the habits and occupations of its people, has suffered comparatively but little, and escaped many of the calamities that usually follow the disorganization of the commerce and currency of the country. The political excitements, the convulsions in trade, and the derangement of the currency, which have char-

acterized the times and paralized the energies of the whole country, are rapidly passing away, and we may confidently look forward to a speedy restoration of a wholesome standard of value, and a well regulated and prosperous commercial intercourse, both foreign and domestic.

I regret to be compelled to inform you, that the expenses of the Government for the year ending the 10th of October last, have exceeded the revenue collected and paid into the Treasury. This however is not unusual. By reference to the annual reports of the Auditor and Treasurer it will be seen that a deficiency existed every year since 1833. Heretofore it has been supplied by over drafts on the Bank. The Treasurer, in virtue of the joint resolution passed at the extra session of the Legislature, obtained from the Branch Bank in this place on loan, thirty thousand dollars, to meet the current charges on the Treasury.

The receipts and expenditures for the fiscal year ending the 10th of October last, and an estimate of those for the next year, will be laid before you by the Second Auditor. It is estimated by that officer, that the current receipts will fall short of the expenditures the ensuing year by about seventeen thousand dollars. I submit to the Legislature the propriety and necessity of adopting some measure by which a sufficient amount of money may be collected to defray the ordinary expenses of the Government without resorting to loans. That the revenue to be collected should equal the demands on the Treasury, is a proposition about which no contrariety of opinion can exist. What changes in the existing laws should be made to effect that object, is submitted to the consideration of the General Assembly.

In the message of my distinguished predecessor, (Lieutenant and acting Governor Wickliffe,) the attention of the Legislature was called to the debt owing by the Lexington and Ohio Railroad Company, for the payment of which this State is surety. At the last extra session, the subject was again alluded to, and a copy of the correspondence between him and the Auditor of Public Accounts was submitted as a part of the message. The Company having failed to pay the several instalments of interest which had fallen due on said loan, the Treasurer, in order to preserve the faith of the State, promptly advanced the amount due. The whole amount paid and to be paid to the close of the present year, will be eighteen thousand eight hundred and fifty five dollars and ten cents. As early as the 6th March, 1839, the President of the Company informed the Chief Magistrate, that he would not be able to meet the then ensuing instalments of interest, and might not be able to pay any more in future.

I have been at some pains to ascertain the condition of the pecuniary affairs of that Company, and am of opinion it will never be able even to reimburse the amount already paid by the State as its surety; and that the whole debt, principal and interest, will have to be borne by the Treasury. The State has no guaranty but such as is provided by the act of the 2d February,

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1833, in virtue of which the loan was obtained. It authorized the Company to borrow one hundred and fifty thousand dollars, at a rate of interest not exceeding six per centum per annum, to execute bonds for the payment twenty years after date, and "for the redemption of which, and the due payment of interest to the holders of such bonds, the faith and credit of the State was pledged." The loan was obtained, and the Company, pursuant to the act, executed an assignment by way of mortgage, on all its lands, machinery, and other property, its stock laid out and expended in said road, together with all its rights and privileges, held by virtue of the laws of this Commonwealth; which assignment was duly registered in the proper office. The act also provides, in case of the non-payment of the interest on said bonds, at the time or times stipulated, or the non-redemption of the bonds at maturity, it should be the duty of the Auditor to sell the premises pledged in said assignment, or so much thereof as might be necessary. He was also authorized, by the advice of the Governor and Attorney General to bid for and purchase the same, for and on account of the State, to the extent of the liabilities of the State.

In February last, my predecessor called the attention of the Auditor to the subject, and requested him to execute the law, by advertising and making sale of the mortgaged property; and since I came into office, believing that further delay ought not to be tolerated, I have repeatedly made the same request; but he has declined to take any step whatever in the matter. The necessity of prompt action is apparent; this drain on the Treasury ought not to be permitted to continue. I therefore recommend that immediate steps be taken to sell the road, and indemnify the State for the money already advanced, and that which she is bound to pay for the Company.

The Keeper of the Penitentiary, by authority of law, and under the supervision of the Commissioners of the Sinking Fund, is progressing with the erection of the two hundred and fifty cells, and the enlargement of the area of the prison. The work is being constructed of excellent materials, and in a manner substantial, and calculated to endure for ages. The health and safety of the convicts absolutely required, and will be greatly promoted by, this improvement. From my frequent visits to the prison, I am satisfied that the convicts are humanely treated, and their morals and health regarded; and that the management of the institution appears to be frugal and productive.

As requested by the Executive of the State of Virginia, I lay before you the accompanying copy of a preamble and resolutions passed by the legislature of that State, relative to the demand by the Executive of Virginia upon the Executive of the State of New York for the surrender of three fugitives from justice, for your consideration.

The gentleman employed by the Bank of Kentucky to separate the fraudulent from the genuine stock, has been for months industriously engaged,

and has recently informed me that he will be unable, with all the diligence that he can exert, to bring his labors to a close before the termination of the present session of the Legislature. It is believed that, until the original stock is traced and the spurious designated, there will be no final adjustment of the fraud perpetrated by the Cashier of the Schuylkill Bank. The President of the Bank of Kentucky is now in Philadelphia, and will, upon his return, communicate to you such facts as will enable the Legislature to act understandingly upon the subject, accompanied by such suggestions as the Directory may conceive best calculated to hasten the ultimate settlement of this unfortunate affair.

The law authorizing the organization of the Board of Commissioners of the Sinking Fund, directs that an annual report of the proceedings of the Board shall be made to the Legislature, accompanied by such suggestions for the improvement and management of the Fund as may be deemed expedient. The absence from the State, upon business connected with the banking institutions over which they preside, of two of the members of the board, will necessarily postpone, to a remote period of your session, the annual report of the Commissioners. In order, therefore, that your deliberations upon this important branch of the financial department of the government may not be delayed, I herein embody a synopsis of the present condition of the Fund. The expose of the liabilities of the Fund, and the limited, precarious and insufficient means at present provided for their liquidation, renders it obvious that decisive and efficient action upon the subject is absolutely essential to the maintenance of the character and credit of the State. That the resources of a Sinking Fund should not only be made equal to the payment, as it accrues, of all of the interest upon the public debt, but should also be rendered adequate to the ultimate redemption of the principal, is a proposition so palpable, that it needs no illustration. This course being adopted and adhered to, the system fulfils the intention of its creation, and guarantees the almost imperceptible extinguishment of the State debt, without the necessity of resorting to onerous taxation.

Since the organization of the Sinking Fund, in October, 1836, the aggregate receipts, including the Surplus Revenue received from the General Government, and invested for the benefit of Common Schools, have amounted to the sum of one million five hundred and eighty two thousand six hundred and twenty six dollars and fifty eight cents, and the expenditures to one million five hundred and eighty thousand and forty two dollars and nine cents, leaving a balance of only two thousand five hundred and eighty four dollars and forty nine cents. In consequence of the suspension of the payment of dividends on the capital stock in the Bank of Kentucky, the Sinking Fund has been deprived of an annual income exceeding one hundred thousand dollars, which has much embarrassed the operations of the Fund, and will cause a deficit in the amount necessary for the payment of

the instalment of interest due upon the bonds of the State in January next. The Commissioners, regardful of the integrity of the Commonwealth, resolved that nothing on their part, calculated to sustain the solemnly pledged faith of the State, should be omitted, effected a conditional arrangement with the Bank of Kentucky, by which they can obtain an amount sufficient to meet the January instalment of interest due to foreign holders of State stock. The Commissioners, however, have deemed it most prudent to suspend the payment of the interest at the same time due upon the bonds held by the Board of Education. As this course could be pursued without the slightest detriment to the credit of the State, they did not feel it imperative upon them to borrow money at an interest of six per cent. to pay the State a debt due to herself.

That you may be enabled more fully to understand the present condition of the Sinking Fund, I herewith transmit an aggregated balance sheet of the receipts and disbursements since the formation of the Board, exhibiting the sources from whence derived, and the objects upon which expended.

Thus far the Sinking Fund has been enabled punctually to meet the burthens imposed upon it. So much has been heretofore communicated on this important subject, that I will not attempt an elaboration, but refer you to the voluminous reports and admirable suggestions of the Commissioners and my immediate predecessors in office.

Intimately connected with this Fund, and indeed the cause of its creation, is the system of Internal Improvement. I am gratified in being enabled to state to you, that but little of the debt due from the Board of Internal Improvement, at the close of the late annual session of the Legislature, exclusive of the retained per centage, either to the contractors on the public works or the Banks, remains unpaid. The money borrowed for Internal Improvement purposes, and for which bonds have been issued, amounts to one million three hundred and eighty five thousand dollars, at an annual interest of five per cent., and one million seven hundred and sixty five thousand five hundred dollars, at an interest of six per cent., all of which loans have been made for extended periods, varying from twenty to thirty five years; and five hundred and sixty thousand dollars at an interest of six per cent. and payable six years after date—making the aggregate amount issued, three millions seven hundred and ten thousand five hundred dollars; from which, however, should be deducted nine hundred and seventeen thousand five hundred dollars, the amount held by the Board of Education, and twenty thousand dollars held by the Commissioners of the Sinking Fund—for these are debts due from the State to itself—which will leave the sum of two millions seven hundred and eighty three thousand dollars, as the exact amount of the public debt, for which bonds have been executed. To meet this debt at maturity, or even sooner if occasion requires it, there is already an accumulated fund, consisting of stock in the various Banks of the State

of nine hundred and ninety seven thousand four hundred dollars—exclusive of the two millions of stock held by the State in the Banks—which, substracted from the actual amount of debt, leaves the sum of one million seven hundred and eighty five thousand six hundred dollars for the payment of the principal of which no provision is yet made by the Legislature. To the amount, however, of the debt as above given, should be added twenty thousand dollars borrowed by the Board of Internal Improvement of the Bank of Louisville, and ten thousand dollars borrowed of the Branch of the Bank of Kentucky at Frankfort.

Previous to the passage of the law at your last regular session in relation to the system of Internal Improvement, the bonds sold amounted to two millions seven hundred and eleven thousand five hundred dollars; since which time there has been issued bonds payable in thirty years to the amount of four hundred and thirty nine thousand dollars, of which twenty four thousand dollars were sold to the Board of Education before the commencement of my official term; and I have since paid to the Banks, under the directions of the act of 21st of February, 1840, the whole sum due those institutions for money borrowed by the Board of Internal Improvement, amounting to four hundred and fifteen thousand dollars, to-wit: two hundred and thirty five thousand to the Northern Bank of Kentucky, and to the Bank of Kentucky one hundred and eighty thousand dollars. There has been also paid to the contractors on the public works, in liquidation of their claims against the State, six year bonds to the amount of five hundred and sixty thousand dollars, of which my predecessor issued four hundred thousand and four hundred dollars. The total issue, therefore, under the act of February 1840, has been nine hundred and ninety nine thousand dollars, being five hundred and one thousand dollars less than therein authorized.

Although the demand for State securities has recently increased, and improvement in the prices has so advanced within the last few weeks as to justify the conclusion that a satisfactory disposition could be made of the residue of the bonds authorized to be sold, I have not deemed it prudent, under existing circumstances, to increase the indebtedness of the State by an additional sale of bonds; I have, therefore, postponed any action on the subject, submitting it to your better judgment, with the confident belief that the Legislature, in its wisdom, will adopt such measures as may be warranted by the interest of the country and the exigencies of the case.

This view of the financial condition of the Commonwealth, demonstrates that the State has not so rashly and improvidently run into debt, as was apprehended; that the actual amount of existing debt, if properly managed, is far from being alarming or burthensome in itself, or in comparison with the debt of other States; and that the State, in the useful, solid, and permanent improvements which have been completed, or are in progress of

completion, has, in some degree. realized an equivalent for whatever of bonds it may have issued, or money it may have expended. But still I cannot but think, that it will be wise and discreet in future, by all means, to avoid, as far as possible, any further increase of the present public debt of the State, by suspending, until periods of greater prosperity, such portions of the public works as may admit of postponement, without serious detriment or prejudice to the State. It seems to me to be unwise and impolitic in the extreme, to undertake too many expensive works at the same time. The means of payment should be well understood before contracting additional debts for any purpose.

The plan of incurring heavy liabilities for works of Internal Improvement, and then resorting to burthensome taxation as a mean of extricating ourselves, is, in my view, a dangerous, if not a ruinous policy. And I feel it to be my imperious duty, upon this occasion, to declare, in the most explicit manner, my unqualified opinion, that the people of the State ought not to be taxed with the view or with the hope of completing the scheme of Improvement.

The system should not proceed upon the basis of taxation to complete it. It is confidently believed it did not originate with that intention or expectation, and it most certainly ought not to proceed upon that principle. The Internal Improvements which are necessary to the comfort, convenience, and commerce of the people, require time and patience for their completion; and the whole system should be conducted with prudence, with caution, with forbearance, and at the same time, with an eye to the strictest economy and to public utility. If it be a duty, (as it no doubt is,) not to impose unreasonable burthens upon posterity, certainly it is no less an one to ourselves not to assume unequal and oppressive portions of those which posterity ought to share with the present generation.

Whilst I recommend, most sincerely and most cordially, the absolute propriety of forbearing to increase, unnecessarily, the existing debt of the State, I must, at the same time, say, all the obligations of honor, of high character, and of good faith, unite in urging an ample and certain provision for the punctual payment of the interest, and the ultimate redemption of the principal of that debt which has already been contracted. The State of Kentucky has always regarded it as one of her most sacred duties, to fulfil, with scrupulous fidelity, all her engagements. And I feel the proudest gratification in expressing the most confident assurance, that the Legislature will cordially unite in adopting every measure which may be deemed necessary to maintain the integrity, the credit, and good faith of the Commonwealth. This is demanded by every consideration of justice to our creditors and to ourselves, and I may add, is expected by our constituents.

In consequence of the fraud practised on the Bank of Kentucky, by the issue of spurious evidences of its stock, that institution has been compelled

to make a temporary suspension of its accustomed dividends. The Sinking Fund is deprived, therefore, of the amount which was anticipated, and which it ought to have received upon the large portion of the stock held by the State in that Bank. There is then a deficit in the Sinking Fund. There is also a deficit in the ordinary revenue of the State, and has been for years. This debt, unless efficient means are employed for its extinguishment, must inevitably increase, and with that increase, the difficulties of payment will be much more embarrassing and oppressive. We should not attempt to conceal from ourselves our true condition, but look at it as it really is, and although by no means alarming, still the remedy should be applied promptly, yet discretely, according to the exigency of the case. Our constituents are a just people, and an honest people, and whilst they anxiously desire to avoid profusion and extravagance in the public expenditures, as they should do, nevertheless they are determined to preserve the character of the State free from all manner of reproach.

Under all the circumstances, as they exist, I deem it expedient, and therefore recommend, that the Legislature should make provision during the temporary suspension of the Bank dividends for the consequent deficiency in the Sinking Fund, and also for the deficiency in the ordinary revenue, by an increase of taxation in such manner as they may think most advisable.

The State tax being but one-tenth part of one per cent. upon an assessment, at a moderate rate, of the value of property, I take great satisfaction in saying, is perhaps the lightest of any State tax paid in this Union. And there are various new subjects of legitimate taxation which might be resorted to without bearing at all upon those who are in humble circumstances in life, or even heavily upon any interest or any portion of the community.

In considering the mode of increasing the revenue of the State, the occasion is a suitable one for adverting to the distribution of the proceeds of the public lands of the United States. That great and benificent measure, so full of justice towards all the States, so highly approved and constantly demanded by public sentiment, and so long unjustly delayed, it is to be hoped, will not *now* be much further postponed.

If the bill which was passed by large majorities in both branches of Congress, in 1833, had not been arrested by a most singular and unwarrantable exercise of Executive power, the portion which Kentucky would have received, according to its provisions, up to the period of the 30th of September, 1838, would have been amply sufficient to extinguish the whole amount of the present actual debt of the State. And the additional amount since that time, to which the State would have been entitled, if the bill had gone into operation, would have formed an ample basis for any loan the Legislature might have thought proper to authorize for the prosecution of her public works, or for the advancement of the great cause of education, without difficulty or embarrassment. Let it be remembered, the public lands of the

United States have been acquired by the common blood and common treasure of the people of the United States. To the acquisition of that part of it which was secured by the treaty of 1783, no State in this Union contributed so much as the State of Virginia, and no part of that venerable Commonwealth contributed so much as did the infant and unprotected settlement of Kentucky, then forming a part of it. It is a well established fact, that the celebrated expedition of General George Rogers Clark, which was fitted out in Kentucky, and embodied many of her most gallant and enterprising sons, by one of the boldest and most brilliant achievements upon record, enabled the American Minister at Paris to demand, if not absolutely to force, from the British Minister a concession of all that vast territory beyond the Ohio river.

These public lands, secured by the war of the Revolution, were pledged to the payment of the public debt, created by that war. That debt has long since been wholly discharged, and there is now no plausible pretext, no just impediment to a fair and honest division of the proceeds of their sale, among all the States. Besides many other considerations of equality and justice recommending the propriety of the measure, there is one which strikes me with peculiar force.

The General Government has, under the Constitution of the United States, the exclusive power of raising a revenue by duties on foreign imports. Many articles of known and acknowledged luxury, such as silks, wines, &c. &c., either now pay no duty, or a very small one. Moreover, the General Government can collect any reasonable amount of revenue without its being sensibly felt, whilst the States are circumscribed by their limited powers, to objects, which bear heavier and more directly upon the people. If, therefore, the Federal Government stood really in need of the revenue derived from the public lands, it would be better, in justice to the people, who are the common constituents of both the Federal and State Governments, to assign to the States the proceeds of the public lands, and supply the deficiency, should there be any, by the easy and proper resort to duties on foreign articles of mere luxury.

If the Legislature, then, in its wisdom, should provide for the temporary deficiency in the Sinking Fund by taxation, or in any other more acceptable mode, we have just reason to anticipate that the burthen would be rendered one of short duration, by the adoption of the measure of distribution of the sales of the public lands, a measure recommended by so many irresistible motives of sheer justice and sound policy, and which, when adopted, will at once enable the Legislature to dispense with the necessity of this expedient.

In treating of the public revenue of the State, the condition of its currency naturally presents itself to our consideration. The State derived great benefit from the branches of the late Bank of the United States. They

furnished the people with a sound currency, good at home and good abroad, and afforded every necessary facility to the commerce, business and enterprize of the community. When it was unfortunately decreed that the United States Bank was to expire without a renewal of its charter, and without a substitute, Kentucky, being compelled, by necessity, went slowly and hesitatingly into the creation of local Banks. She was at length forced by circumstances over which she had no control, and in self-defence, to establish some Banks. Besides one or two small institutions, she chartered two principal Banks, the Bank of Kentucky in 1834, and the Northern Bank of Kentucky in the year 1835, each with the power of establishing several branches. In both of these Banks, the State reserved to itself a large portion of stock. It is hoped and believed, both of these institutions have been conducted with integrity and ability. The Northern Bank, from the period of its commencement of full operation, to the present time, has made an average dividend exceeding eight per cent. per annum, reserving at the same time a considerable surplus as a contingent fund; and so did the Bank of Kentucky, until the fraud already noticed, in the issue of its stock in Philadelphia, unfortunately occurred.

The Banks of Kentucky were forced to yield to the necessity of suspending specie payments for their issues, by the suspension of specie payments by the Eastern Banks. It is believed they are entirely ready to resume, as they were to have continued, simultaneously with the Eastern and Southern Banks.

I take great pleasure in saying, there is every prospect of a resumption of specie payments on the part of the Eastern and Southern Banks, by the middle of January next, and a readiness on the part of the Banks in Kentucky to resume at the same moment. The Kentucky Banks have enjoyed, and no doubt, merited, public confidence, in a great degree, and have supplied the people at this period of heavy pressure, almost in exclusion of the Banks of other States, with a local currency, which has been freely received, and answered all the ordinary purposes of business transactions in the State. They have also, by means of Discounts and Bills of Exchange, materially assisted and advanced the operations of our external trade and commerce. But the ability of local banks is necessarily confined to a limited sphere of action. They can never supply the place of a Bank of the United States. Long and sad experience establishes this fact, beyond all sort of question. They cannot furnish a sound currency of equal and uniform value throughout all parts of the Union. They cannot negotiate Bills of Exchange, and supply remittances, with the same facility, and with the same advantages to the community, as a Bank of the United States. The trade of the State, without a Bank of the United States, is constantly, and oppressively, and unjustly burthened in both directions, towards New Orleans, and towards the Eastern cities. Its bills on New Orleans, of which

it is generally a creditor, are usually sold at a discount of two per cent. besides interest, whilst remittances on the Eastward, of which we are generally a debtor, command a premium of from two to three per cent. During the existence of the branches of the United States Bank, they purchased generally the bills of our traders on New Orleans, at from one to one and a half per cent. discount, and supplied remittances in great abundance to any part of the United States, at a premium of one half of one per cent. The people of Kentucky have suffered constantly and severely by these operations, and have lost hundreds of thousands of dollars, for the want of a Bank of the United States.

The scheme of a currency purely metallic, has recently met with the most signal condemnation, both by the people of this State, and the U. States. The absolute necessity of a mixed currency, consisting partly of gold and silver, and partly of bank notes, redeemable at any moment in specie, can now, as I think, be no longer seriously controverted. But as a National currency is as indispensably necessary to the people as a National government, it is to be hoped that all further experiments will be abandoned, and very soon a National Bank will be established, upon tried and approved principles, as the only remaining remedy by which the exchanges of the country can be justly, fairly and honestly regulated, and the people in every part of the Union can be supplied with a common currency, of uniform value everywhere.

As these two great measures, the division of the proceeds of the Public Lands, and the establishment of a National Bank, depend mainly, if not entirely, upon the evidences of public opinion in their favor, I would recommend to you, at the earliest period, to furnish your Senators and Representatives in Congress, the most conclusive testimony of the wishes of our constituents in reference to these vital topics.

The act establishing the office of Second Auditor, it is believed, has had a very happy and salutary influence upon the receipts and disbursements of the ordinary revenue of the State. It expires, by its own limitation, at the close of the present session of the Legislature. It is highly important to the safety and despatch of the public business, that it should be continued in force, or some efficient substitute adopted.

Allow me, also, at the same time, most respectfully to suggest that the Auditor's office is entirely too small for the convenient transaction of the public business.

The Superintendent of Public Instruction will, in due time, lay before you his annual report, detailing the progress made in establishing the system of common schools—the favor it has received by the people—the number of districts that have elected to adopt the system, and the number of schools organized, together with suggestions of such amendments of the present law as his experience may have pointed out, and public opinion demands.

The annual report of the Board of Internal Improvement will shortly be laid before you, exhibiting, in detail, the expenditures, the progress and present condition of the public works, to which permit me to refer you.

I am induced to believe, from recent indications of popular feeling and the widely diffused opinion of the necessity of a measure of the kind, that the 27th Congress of the United States will be convened before the period designated for its usual session, in which event the State of Kentucky, under the existing law upon the subject, would be unrepresented; allow me, therefore, respectfully to suggest the propriety of the passage of a law providing for an earlier election of the Representatives of this State for the next Congress, should an extra session be ordered prior to the first Monday of August, 1841, by which the expense of an extra session of the Legislature would be avoided.

R. P. LETCHER.

EXECUTIVE DEPARTMENT,
October 23, 1840.

SIR:

I have the honor, in obedience to a resolution of the last General Assembly of Virginia, to transmit a preamble and resolutions adopted by that body, in reference to a demand made by the Executive of this State, on the Executive of the State of New York, for the surrender of certain fugitives from justice, and to request that they may be laid before the Legislature of your State.

With distinguished consideration,
I have the honor, sir,
To be your obedient servant,
THOMAS W. GILMER.

To his Excellency, the
Governor of Kentucky.

[*Preamble and Resolutions relative to the demand by the Executive of Virginia, upon the Executive of the State of New York, for the surrender of three fugitives from justice.*]

The committee to whom was referred so much of the Governor's message and accompanying documents as relates to his demand upon the Executive of New York for the surrender of three fugitives from justice, have had the same under consideration, and agree to the following report:

In July last, the Executive of Virginia made a demand upon the Governor of New York for the surrender of Peter Johnson, Edward Smith and Isaac Gansey, attached to the schooner Robert Center, *then* in New York, who were duly charged by affidavit regularly made before Miles King, Mayor and Justice of the Peace for Norfolk, with having feloniously stolen and taken from John G. Colley, a certain negro slave, Isaac, the property of

said Colley. The Governor of New York refused to comply with the demand, and assigned as his reasons for the refusal, that the right to demand and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized by the universal law of all civilized countries; that the object of the provision in the constitution of the United States relative to the demand of fugitives from justice was to recognize and establish this principle in the mutual relations of the States as independent, equal and sovereign communities; that the provision applies only to those acts which, if committed within the jurisdiction of the State in which the person accused is found, would be treasonable, felonious or criminal, by the laws of that State; that no law of New York, at this time recognized, no statute admitted, that one man could be the property of another, or that one man could be stolen from another; and that consequently the laws of this State making the stealing of a slave felony, did not constitute a crime within the meaning of the constitution.

Your committee have bestowed upon each of these propositions the reflection which their importance demanded; and that reflection has brought them to very different conclusions from those arrived at by the Governor of New York.

A citizen of one nation is permitted to enter the territory of another, upon the tacit condition that he shall not violate her laws. If he does violate them, he may be punished according to those laws, if apprehended while he is within their jurisdiction. If he escape, and take refuge in his own country, or any other State, he may be demanded as a fugitive from justice.

Whether such demand ought to be made, and if made, should be complied with, is a matter to be judged of by the respective authorities making, and upon whom the demand is made, each for itself. The lesser offences are usually connived at, and in such cases, the State whose laws have been violated, is satisfied when the offender has departed beyond its limits. So the State upon whom the demand is made, may, in some cases, refuse to comply with it. Where the offence was of a trivial nature, it might decline to comply; and in such case, the demand, if made, would rarely be insisted on. When the offence was one created by tyrannical laws, leading to oppression or persecution, or where the mode of trial was to be inhuman or inquisitorial, it would be under the most solemn obligation to refuse to comply. But the State, in exercising its acknowledged right of judging for itself, would do it under the highest responsibility. If it exercised its right indiscreetly, and refused, improperly, to surrender a criminal whose surrender had been demanded, it would become itself a participator in his guilt, and give just cause of war. The cases in which fugitives from justice ought to be demanded by one power, and surrendered by another, under the laws of nations, have never been specifically defined. It would be very difficult to define them; and it is perhaps better that each case should be judged of by its own circumstances.

But, in the opinion of your committee, it is not necessary to pursue farther this branch of the subject. In their opinion, the case which they are considering does not arise under the law of nations, but under the constitution of the United States; and they cannot acquiesce in the proposition advanced by the Governor of New York, that the provision of the constitution

is but a recognition of the established principles of the law of nations. They entertain the opinion, that that provision is an *extension*, and not merely a recognition of the principle of the law of nations. The only difficulty upon this point originates in a doubt, whether the governor of New York has not restricted too much the principle regulating the conduct of independent nations in this particular. A distinguished jurist of his own State, in a solemn judicial decision, has said: "It has been suggested that theft is not a felony of such an atrocious and mischievous nature, as to fall within the usage of nations on this point. But the crimes which belong to this cognizance of the law of nations are not specifically defined; and those which strike deeply at the rights of property, and are inconsistent with the safety and harmony of commercial intercourse, come within the mischief to be prevented, and within the necessity as well as the equity of the remedy. If larceny may be committed, and the fugitive protected, why not compound larceny, as burglary and robbery, and why not forgery and arson? They are all equally invasions of the right of property, and incompatible with the ends of civil society. Considering the great and constant intercourse between this State and the provinces of *Canada*, and the entire facility of passing from one dominion to the other, it would be impossible for the inhabitants of the respective frontiers to live in security, or to maintain a friendly intercourse with each other, if thieves could escape with impunity, merely by crossing the territorial line. The policy of the nations and the good sense of individuals, would equally condemn such a dangerous doctrine." (4 *Johnson's Ch. Reports*, 113.)

Your committee will not argue the proposition whether the Governor of New York has not stated the principle of the law of nations, on this point, too broadly. But, in their opinion, it is certain that he has either stated it too broadly, or that he is wrong in supposing that the provision of the constitution relating to the surrender of fugitives from justice is but a recognition of the law of nations. Your committee will not, as they well might, insist that the Governor of New York is wrong in both propositions; but they, with due deference, insist that he is clearly wrong in the last. That the 2d clause of the 2d section of the 4th article of the constitution of the United States is not a mere recognition, but an extension of the principle of the law of nations relating to the demand and surrender of fugitives from justice, is equally clear, in the opinion of your committee, whether we refer to the letter or the spirit of that section.

There was great reason for restricting, by the law of nations, as much as possible, the class of cases where one State might demand and another would be required to surrender fugitives from justice. In every country of Europe the criminal laws have been rude and imperfect. This may be said, whether we judge of them from their conformity to truth and justice, the feelings of humanity and the rights of mankind, or by comparing them with the civil jurisprudence of the same countries. The inhumanity and mistaken policy of most of these codes need not be pointed out. With some of them, suspicin was the evidence, and the rack the mode of trial. There was, therefore, great reason for caution on the part of every nation, lest its citizens might be dragged abroad to be tried by foreigners, in modes of trial to which they were unaccustomed, for imaginary or arbitrary offences. But when our constitution was adopted, there was no reason for any such caution with regard to the rights and duties, in this particular, of the several States com-

posing this confederacy. In each of them, even before the adoption of the constitution, crimes were accurately defined, and penalties were neither arbitrary nor uncertain; all accusations were public; trials were in the face of the world; torture was unknown, and every delinquent was judged of by his peers, against whom he could form no exception, even of personal dislike. That constitution was adopted by those States, in order to form a more perfect union; to establish justice; ensure domestic tranquility; provide for the common defence, and promote the general welfare. And by its provisions, which are the supreme law of the land, it guarantees to every State in the Union a republican form of government. It provides that the trial of all crimes, except in cases of impeachment, shall be by jury; that *such trial shall be in the State where the crime was committed;* that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; that no person shall be subject, for the same offence, to be twice put in jeopardy of his life or limb, nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; that excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

In a constitution formed under such circumstances, with such objects, and containing such provisions, one would not expect to find a clause specifying the cases where the demand of a fugitive from justice might be made by one State upon another which could only be justified by a doubt of the justice, humanity and clemency of the different parties to it. On the contrary, one would look in such a clause for an expression of the greatest confidence, by each of the States as parties, in all the rest in these particulars. Nor can your committee believe that a clause in such a constitution, securing to one State the most unlimited right to demand, and imposing upon another the most unqualified duty to surrender fugitives from justice, would impair the security of civil liberty. And such a clause your committee believes the 2d section of the 4th article to be. The second paragraph of that section is in these words: "A person charged in any State with *treason, felony or other crime*, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." The words treason, felony and crime, are common law terms. The common law was the law of the land in each of the States which were parties to the constitution, and the terms of it were familiar to its framers. They must, therefore, be taken to have been used in their common law sense. Your committee will not stop to enquire into the meaning of the terms treason and felony in the constitution; they will confine such enqury to the word crime, that being the most comprehensive term used. Blackstone defines *a crime* thus: "A crime or misdemeanor is an act committed or omitted in violation of the public law either forbidding or commanding it." He goes on to say: "This general definition comprehends both crimes and misdemeanors, which, properly speaking, are mere synonymous terms." Misdemeanor is generally used in contradistinction to felony, and misdemeanors comprehend all indictable offences which do not amount to felony, as perjury, libels, &c.

Your committee flatters itself that it has shown already that the 2d section of the 4th article of the Constitution of the United States is not a mere re-

cognition of the principle of the law of nations, regulating the right to demand by one nation and the duty to surrender by another, fugitives from justice; but that that clause is much more comprehensive, and was designed as between the States of this Union, to provide a more perfect remedy than was afforded by the law of nations.

But if a further argument was necessary to enforce this view of the subject, it might be derived from the first paragraph of this very 2d section of the 4th article. That paragraph is in these words: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The first paragraph of this section secures to the citizens of each State all the privileges and immunities of citizens in the several States; and the second paragraph but enforces correlative obligations and duties. Thus are the privileges and obligations of the citizen made reciprocal. The citizen of one State, while he is within the jurisdiction of another, is entitled to all the immunities of a citizen of that State; but if he violate her laws, he is subject to the same punishment.

If any doubt should still exist as to the correctness of this position, it would be removed, in the opinion of your committee, by the proceedings of the convention which framed the constitution, in relation to this clause.

"The original articles of confederation contained a clause in the following words:

"'If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the government or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.'

"In the convention of 1787, the committee to whom were referred the proceedings of the convention, for the purpose of reporting a constitution, reported a draft, in which the fifteenth article was as follows:

"'Any person charged with treason, felony, or high misdemeanor in any State, who shall flee from justice and shall be found in any other State, shall, on demand of the executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of the offence.'

"When the draft was before the convention, on the 28th of August, 1787, it was moved to strike out the words 'high misdemeanor,' and insert the words 'other crime;' which motion passed in the affirmative."

And your committee will add that there has been a late decision in New York sustaining this view.

In the matter of Clark, (9 *Wendell*, 212,) the then Governor of New York and the chief justice of the State, in conformity with these views, both decided that a person who was charged with a misdemeanor only, in one State, and had fled into another, ought to be delivered up upon the demand of the executive of the State within which the offence was alleged to be committed. And the misdemeanor charged in that instance, was not one which was recognized as such by the universal law of all civilized countries, but at common law amounted only to a breach of trust. This decision was made after the most elaborate argument and investigation.

The 2d section of the 4th article of the constitution as thus construed, is just such a provision as the convenient administration of justice demanded. Each State having confidence in the justice and clemency of the others, nothing forbade, and convenience required, that an offender who had com-

mitted a crime in one State, no matter where found, should be removed to that State for trial. Most likely, there would be found the evidence of his guilt; there the laws which he had violated would be best understood, and most perfectly administered; and above all, the character of his accusers more properly appreciated.

In the opinion of your committee, the next position assumed by the governor of New York is as untenable as the first, to wit: That the second section of the fourth article applies only to those acts which, if committed within the jurisdiction of the State in which the person accused is found, would be treasonable, felonious, or criminal by the laws of that State. If the construction contended for by the Governor of New York be the proper one, then the provision in the constitution was unnecessary. "The jurisdiction of every sovereign State extends to the whole of its territory and to its own citizens in every part of the world. The laws of a nation are rightfully obligatory on its own citizens in every situation where these laws are really extended to them. The principle is founded on the nature of civil union. It is supported every where by public opinion, and is recognized by the writers on the law of nations. Rutherforth in his second volume (page 180) says: "The jurisdiction which a civil society has over the persons of its members affects them immediately, whether they are in their territories or not." (*Chief Justice Marshall's speech in the case af Jonathan Robins.*) If the provision, securing the right to demand a fugitive from justice, was only to operate where the laws of New York were violated, then it was superfluous, as New York might enact a law providing for his punishment if apprehended within her territory, no matter where the offence was committed. And in accordance with this principle the legislature of that State has enacted a statute punishing offences committed by its citizens without her territory. (2 *R. S.* 698, § 4.) That the clause was not designed to provide only for the case of a citizen of one State taking refuge in any other State than the one of which he was a citizen, is admitted by the Governor of New York himself. "It has long been conceded," he says, "that the citizens of the State upon which the requisition is made are liable to be surrendered as well as citizens of the State making the demand."

The correctness of the position taken by your committee, is sustained also by a solemn judicial decision of New York. In the matter of Clark, chief justice Savage declares: "With the comity of nations we have at present nothing to do, unless perhaps to infer from it that the framers of the constitution and laws intended to provide a more perfect remedy; *one which should reach every offence criminally cognizable by the laws of any of the States;* the language is treason, felony or other crime; the word crime is synonymous with misdemeanor, and includes every offence below felony punished by indictment as an offence against the public."

But admit that your committee is wrong in this; restrict the clause as much as is contended for; admit that a former Governor of New York was wrong; that the chief justice of that State was wrong, and that the present Governor is right—admit all this, and your committee humbly submits that the answer of the Lieutenant Governor of Virginia to the Governor of New York, on this head, is conclusive. He says: "Is it true that the offence committed by Peter Johnson, Edward Smith and Isaac Gansey is not recognized as criminal by the universal law of all civilized countries? They are

charged with *feloniously stealing* from John G. Colley, a citizen of this State, property which could not have been worth less than six or seven hundred dollars. And I understand stealing to be recognized as a crime by all laws human and divine." To this the Governor of New York replies: "It is freely admitted that the argument would be at an end if it were as clear that one human being may be the property of another, as it is that stealing is a crime. On the contrary, however, I must insist, with perfect respect, that the general principle of civilized communities is in harmony with that which prevails in this State, that men are not the subject of property, and of course that no such crime can exist in countries where that principle prevails, as the felonious stealing of a human being considered as property."

The Governor of New York thus resolves the whole controversy into the question whether slavery can legally exist; and whether slaves are to be regarded as property by the Northern States of this confederacy, in their intercourse with the Southern. In this view of the subject it assumes a consequence which it would not otherwise possess, and which demands of the general assembly that it should speak in a manner that cannot be misunderstood.

That one human being may be the property of another, and that laws making him such, have been recognized by the universal consent of all civilized nations, is a proposition which cannot be denied. Your committee does not recollect a solitary civilized nation of modern times which has not within the nineteeth century, recognized slaves as property. Not to swell this report by an enumeration of other instances, your committee will refer to the case of Great Britain—a nation more fastidious, and your committee might add, more fanatical upon this subject than any of the other nations of the earth. It has only been within a few years that she has abolished slavery within her own jurisdiction; and in a late treaty with this country she recognized them as property in the most emphatic manner, by making pecuniary satisfaction to the owners of such as were abducted by her forces during the late war. But what is still more to the purpose, every State in the Union except Massachusetts, at the time of the adoption of the constitution, tolerated slavery, and admitted that one man could be the property of another. Indeed it has only been within a few years that New York has abolished slavery within her own limits. Until that time, even by her own laws, one man might be the property of another. The States not only in their separate individual capacity recognized property in slaves, but in the most solemn manner, in their collective capacity, in the adoption of the federal constitution, did they declare that recognition. That constitution not only recognizes slavery, but it guarantees and protects the master's right of property in his slave. In proof of this your committee need only refer to the third paragraph of the second section of the fourth article of the constitution. But for that clause, a slave who should escape from his master into a free State, would become free and could not be reclaimed. Considering the facility of escape from many of the slave States, to the so called free States, this provision was a most efficient protection to us in the enjoyment of our property. But your committee will not further press this view of the subject, as it is already familiar to the public mind.

It has been shewn that at the adoption of the constitution slavery existed in every State which was a party to it except one. It was recognized and

guaranteed by that constitution itself, which was the act of all the States. Is it competent for one party, by abolishing slavery thereafter within her own jurisdiction, so to affect it in other States as to destroy it as a subject of theft, and thereby, without the consent of the other parties, change her duties under the constitution. Surely one party cannot directly or indirectly vary or impair the compact without the consent of the other. Had this question arisen shortly after the adoption of the constitution, even upon the principles of the Governor of New York, there could have been no difficulty as to his duties. Then slaves were property in New York; and the Governor says that if one man could be the property of another, and thus become the subject of theft, the argument is at an end. Was it competent for New York by any act of her own, without the consent of the other parties, to modify or change her duties under the compact, and to relieve herself from the discharge of those duties under which she was acknowledgedly placed by its provisions at the time of its adoption? Can such a proposition be insisted on?

In this connexion it is proper to enquire what laws existed in Virginia, in relation to the stealing of slaves, at the adoption of the federal constitution. The same laws which are now in force in Virginia were in force then. Our statute contains two provisions upon this subject. The first is in these words: "If any person or persons shall hereafter be guilty of stealing any negro or mulatto slave whatever, and be thereof lawfully convicted, whether the said slave or slaves so stolen shall have been taken out of or from the actual or immediate possession of the owner or owners of such slave or slaves, or shall have been elsewhere found, he or they shall be adjudged guilty of felony, and shall undergo a confinement in the penitentary for a period not less than three nor more than eight years." (1 *R. C. page* 427.) The other provision of our statute is in these words: "Whosoever shall hereafter carry or cause to be carried, any slave or slaves out of this Commonwealth, or shall carry or cause to be carried, any slave or slaves out of any county or corporation within this Commonwealth, into any other county or corporation within the same, without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners, if he, she or they be a minor or minors, and with the intention to defraud or deprive such owner or owners of such slave or slaves, shall be adjudged guilty of felony, and subject to prosecution as in other cases of felony, and upon conviction thereof shall be punished by fine not less than one hundred nor more than five hundred dollars, and shall also be imprisoned in the jail or penitentiary house for a period not less than two nor more than four years; which fine and imprisonment shall be fixed and ascertained by a jury." In the next section of the act, it is further enacted, "That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels who having a slave or slaves on board their vessel, shall sail beyond the limits of any county with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act." (1 *R. C.* 428.) This statute was passed as early as 1753; and the only change which has been made in it consists in the substitution in 1799, of confinement in the penitentiary, in place of "death without benefit of clergy" as the punishment for the felony created by it. Let it not be said that these laws are harsh. They are less sanguinary than they were at the adoption of the

constitution. But if they be so, citizens of other States need not come unless they choose, into Virginia; and if they do, they need not violate her laws and incur their penalties.

Thus stood the matter at the adoption of the federal constitution. Did Virginia and the other Southern States understand that the Northern States, by abolishing slavery within their limits, would take the felony of stealing a slave out of the operation of the 2d section of the 4th article of the constitution? If they had so understood it, would they have agreed to the adoption of the constitution?

If there was one feeling, more than any other, which marked the conduct of southern men at the time of the adoption of the federal constitution, it was extreme jealousy and distrust of the northern and eastern sections of this union on the subject of slavery. The proceedings of each of the conventions, south of the Potomac, which adopted the constitution, demonstrate this too clearly for doubt. All must admit, that no constitution would have been acceded to by a solitary southern State, which did not contain the amplest guarantee of property in slaves. The caution which our southern statesmen manifested on this subject was set down, at the time, to the score of idle fears and ungenerous jealousy. But among the numerous instances in which they discovered a sagacity and wisdom almost more than human, not one was more remarkable than this. With a sagacity which partook of prescience, they descried the dangers with which we are at present environed, and they provided against them by provisions in the constitution itself, as far as they could be relied upon, and by a reservation of all the means of protection which unimpaired sovereignty can afford when these should prove ineffectual.

The southern people demanded that a clause should be inserted in the constitution, providing for the capture of fugitive slaves. Could men who required a provision of that sort, have been guilty of the inconsistency and absurdity of agreeing to a constitution under which any one of the distrusted States could produce a condition of things in which, although there would be an obligation to send back to his bondage, the slave who had fled from his master to gain his liberty, yet the felon who should steal him from this very master, might go acquit? Such fatuity might be looked for in madmen, but not in a body of statesmen, unequalled in the history of the world for their cautious wisdom.

In the opinion of your committee, if the construction contended for by the Governor of New York, was justified by the letter of the constitution, (as it clearly is not,) it would yet be a palpable violation of its spirit, and render that constitution *a fraud* upon a portion of the parties to it.

The positions of the Governor of New York, when carried to their legitimate results, lead to consequences of a most frightful character, and which, as it seems to your committee, could not have been duly weighed by him. The Governor of New York says, it is no offence to steal a slave, because one man cannot be the property of another, and cannot, therefore, be the subject of theft. If, for these reasons, it be no offence to steal a slave and carry him to New York, it would be none to steal him and carry him to Louisiana. Surely, in such a case, it would make no difference whether the thief steered north or south after committing his robbery. The consequence is, if a citizen of New York were to come into this State, inveigle a cargo of our slaves on board his vessel, under the pretext that he meant to take them

to some "land of liberty," and should carry them to Louisiana and sell them in the New Orleans market, and should thereafter take refuge in New York, he would be free from arrest, and could not be made to expiate his crime. And without wishing to make any unjustifiable attack upon the citizens of any State of this Union, your committee would be wanting in candor, if they expressed a doubt that such a case, if the course of the Governor of New York should be persevered in, would be of probable and frequent occurrence. There are bad men in every country who will commit offences when they can profit by it, and do it with impunity. But what is still more probable, (if the course of the Governor of New York be acquiesced in,) is, that those deluded enthusiasts at the north, who, in pursuit of something they know not what, are spending thousands and thousands in efforts which they must see, if they be not blinder than any one, except a fanatic, ever yet was, can never accomplish their object, will attempt to make those efforts practically efficient, by coming into our State and making it a labor of *virtue* to *steal* our slaves and convey them to a more galling bondage than they now suffer, in the northern States.

Suppose one of those northern fanatics, who believing that the shedding of the blood of the wives and children of southern slaveholders would be but an acceptable offering in the eyes of God, should come among us, and after inciting our slaves to insurrection, and aiding and abetting them in it, should escape into New York, consistency would compel the Governor of New York to refuse to deliver him up for trial and punishment. He would say one man cannot be the property of another. These negroes therefore were held in illegal bondage, and the person who aided them in their effort to throw it off only performed a meritorious action.

Your committee do not wish by these remarks to excite idle fears. This General Assembly do not represent a timid people. But the abhorrent consequences flowing from the positions of the Governor of New York, if carried to their legitimate results, tend to demonstrate the unsoundness of those positions themselves.

The most painful circumstance attending this controversy with a sister State, originates in the conviction which forces itself upon the mind of your committee, that the Executive of New York has taken his extraordinary course, either under the influence of the fanatical feelings of the northern abolitionists, or with the view of conciliating those enemies of the domestic tranquility of this country. The distinctions of the Governor of New York are impracticable, and will rarely be applicable to any other case than one similar to that under consideration. The common law of England is the law in every State of the Union except one. The statutory crimes and felonies, in them all, are very nearly of the same character. There is scarcely an article, except slaves, which is property in one State, that is not property, and the subject of theft, in all. The untenable distinction therefore of the Executive of New York, seems to have been taken with a single view of protecting the depredators upon our slave property; a species of property to which we adhere with a stronger tenacity than such as originates only in a calculation of its value.

Your committee lament the course of the Executive of New York, and they trust that it will not be persevered in. They lament not more on account of the interests of this State, than of New York. They lament it because it brings the existence of this Union into jeopardy.

It is the pride and glory of our country to be an asylum for the persecuted and oppressed of every nation and every clime. But should any State of this Union erect herself into a place of refuge for the thieves and robbers who might escape from the offended justice of any of her sister States, she would sully that glory and render herself unworthy of that sisterhood which should be her pride. And the country may rest assured that in such an event Virginia will take proper measures to extricate herself from such an unholy alliance!

Your committee now approach the only part of their duty, the discharge of which has given them any difficulty. What is the proper remedy in this case? The means of redress and protection which are within the reach of Virginia are ample. The only difficulty which your committee has had has been in selecting one consistent with the relations imposed upon the members of this confederacy by the constitution. A variety of remedies have been proposed:

1st. An appeal to the Supreme Court of the United States.

2nd. An appeal to the Congress of the United States so to amend the statutes heretofore passed on that subject, as to authorize the demand in the cases contemplated to be made upon the Circuit Judge of the United States, having jurisdiction in the State where the fugitive may be found.

3rd. The appointment of inspectors to inspect all vessels trading to the north, to see that no slaves are secreted.

4th. The requirement from all citizens of New York coming into Virginia, security for their good behavior.

5th. A solemn appeal to New York herself to redress our wrong and to do us justice.

There are objections to all of these remedies, but something to recommend most of them.

1st. An appeal to the Supreme Court, in the opinion of your committee, is entirely out of the question.

In the first place, in the opinion of your committee, the Supreme Court has no jurisdiction. The case is in the nature of a national demand made by one State upon another; and not such a "*case in law and equity*" as comes within the provision of the constitution. There is nothing of "*meum et tuum*" involved in the controversy. The question cannot conveniently "assume a legal form for forensic litigation and judicial decision." "By extending the judicial power to all *cases in law and equity*, the constitution has never been understood to confer upon that department any political power whatever." (*Chief Justice Marshall.*) Besides this the remedy would be ineffectual. If successful in this case even, it would afford no protection for the future. But would it be successful in this case? Your committee cannot express the belief that it would. As a mere judicial opinion of the duties of the Executive of New York, most probably it would be unheeded. We have seen the Governor of New York disregarding the decisions of the Supreme Court of his own State; and it is not probable that he would show a greater deference for the decision of the federal judiciary. Besides, how could the judgment of the court be enforced? Your committee cannot recommend any course which might and probably would bring the authorities of the Federal Government and of the States into collision. But above all, the wish of Virginia is that New York should herself, freely and magnanimously do us justice. We would prize but little that justice which she should be forced reluctantly to yield us.

2nd. To the second remedy proposed, your committee has also decided objections, and it cannot withhold the expression of its regret that Georgia, with whom Virginia will make common cause, should recommend it.

In the first place, the surrender of a fugitive from justice is properly an Executive duty. The Executive is at the head of the civil and military authority. It holds and directs the force of the State. When therefore a surrender is to be made the Executive can best discharge the duty, Besides, it being at the head of the State, it is especially its province to determine in what cases a citizen is to be delivered up to be removed to another State for trial. If any change of the law is to take place upon this subject, it must be a general one; and your committee is averse to a change by which the decision of the question whether the citizen of a State shall be surrendered as a fugitive from justice, shall be transferred from the chief civil and military officer of the State to the federal judiciary. In a case involving the liberty of the citizen, the supreme authority *of the State* is the proper tribunal for its decision. In addition to this it might be urged with much force, that the provision of the constitution itself contemplated that the duty of surrendering a fugitive from justice should be discharged by the Executive of the State to which he had fled. It is true the provision is silent as to the tribunal upon which the demand is made; but it provides that the fugitive is to be delivered up "on the demand of the Executive authority of the State from which he fled;" and the inference is strong that the clause contemplates that the demand is not only to be made by the Executive of the State from which the fugitive had fled, but to be made upon the Executive of the State in which he had taken refuge. There was as great or greater reason for requiring that the demand should be made upon, as by, the Executive. And the act of Congress passed shortly after the adoption of the constitution is in accordance with this view.

Besides, the change proposed would add another to the list of cases, already too long, in which the State and Federal authorities may come into collision. There may be cases, where no State would permit a citizen to be surrendered, as a fugitive from justice, by the federal judiciary. And in some of them, resistance would be interposed, when it would never have been thought of if the surrender had been ordered by the State authority. And in the opinion of your committee, no practical result would be produced by such a change; for in all exciting cases the State courts will be called upon in any event to adjudge the case finally.

But above all, your committee is averse to sending this subject into Congress, and thus giving the abolitionists the long-wished-for opportunity of denouncing in the National Legislature an institution of such peculiar character and paramount importance, and of franking their incendiary effusions to the four quarters of the Union. We have always denied that slavery was a fit subject of Congressional discussion, and your committee cannot recommend any course which will bring that subject into debate there. And your committee is strengthed in this view by witnessing the exultation which the abolitionists manifest at the prospect of this subject being introduced by ourselves in this form.

3d. The proposition to appoint inspectors. This has much to recommend it. In the first place, the remedy is specific to the wrong. It is clear of all constitutional difficulty. The principle upon which such a law would be founded has been frequently recognized. In point of time first in the recog-

nition of the validity of quarantine regulations, and last in the law punishing the transmission of incendiary publications by mail. But it is liable to objections. To bring it, perhaps, within the constitution, it would have to be general. In such an event the law, which would be harrassing and vexatious, would operate equally upon those who had wronged us, and those who had not. Besides, it would be difficult to enforce it in an effectual manner. A vessel might be inspected one hour, and the next take a slave on board and be off. This would be the case particularly in the navigation of our long rivers.

4th. The requirement of security for good behavior from the citizens of New York. This would be perfectly just in itself, and might produce desirable results. But your committee will not recommend it at this time, as it is liable to many objections. In the first place its constitutionality might be questioned. Although it is true, that the constitution is a compact between the States; and although it is also true, that when such a compact is broken by one party, it ceases to be binding on the rest, yet we ought not now to take this ground—we may be driven to it in the end. But your committee will not take it for granted that New York will persevere in her unconstitutional course. Let us give her every opportunity to retrace her steps, and not render an amicable adjustment of our difficulties impossible, by acting as if we considered the constitution no longer binding upon us, because it had been broken by her.

5th. A solemn appeal to New York to review her course and render us justice. The objection to this is, that New York having in one instance, at least, before this, failed to discharge her duties as a member of this Union, in taking effectual means to protect us from the attacks of her citizens upon our domestic institutions, in a manner to meet our just expectations, has deprived herself of the right to be met in the amicable spirit which this course would indicate. But the Governor of New York, in his late annual message, has brought this whole subject to the attention of the Legislature of that State; and your committee is unwilling to believe, that the State, in its sovereign capacity, will sanction the course of her Executive.

It is true, that the Governor of New York takes the ground, that the subject is one that appertains to the Executive department. He says: "The duties of that department, in such cases, are prescribed by the constitution of the United States, and not by the constitution and laws of New York." Nevertheless, as he has brought the matter to the attention of the Legislature, and expressed a deference for it, the probability is, that he would acquiesce in any disposition which it should make of the subject. And your committee is fortified in this opinion, by the fact that the Governor of New York, in his correspondence with the Executive of this State, declared "that as an Executive officer of that State, he was bound to regard, with very great deference, and the argument must be conclusive, which should prevail with him, to act in opposition to a legislative exposition of his duties."

Your committee will not discuss the question whether this is a matter about which the State Legislatures can act at all. There are many difficult questions involved in it which need not be solved. It may be insisted, that this is a question arising under the constitution of the United States, with which the State Legislatures have nothing to do. On the other hand, it may be contended that the State Legislatures possess *the exclusive* right to legis-

late upon this subject, and that the provision of the constitution merely imposes a duty upon the States, but vests *no power* in the federal government, or any department of it, except the *judicial* power of declaring and enforcing the rights secured by the constitution. The third ground might be taken, that the power of legislation was concurrent in Congress and the State Legislatures. Your committee will not undertake to decide these questions; but it cannot bring itself to doubt that the State Legislature may act in a manner not contravening the constitution and laws of the United States, to bind the Executive of the State.

Let it not be said that by conceding the right of the State Government to legislate upon the subject, we concede a power which may be exercised in a manner to impare our rights under the Constitution and laws of the U. States. It does not follow that because the State Legislatures may co-operate in securing our rights under the Constitution and laws of the U. States, it may legislate in derogation of them.

For these reasons, your committee are disposed to await the action of the Legislature of New York; and they are the more disposed to this course, as there is no occasion for haste. The slave which was stolen in this instance has been recovered. No private justice is delayed. Nothing is involved in the controversy but a principle; an important one it is true, but one which will not be jeoparded by the delay proposed. In the mean time your committee recommends that the Executive of this State be requested to renew his correspondence with the Governor of New York; to apprize him of the importance we attach to the subject; to communicate our proceedings to him, and respectfully request that he will bring those proceedings to the attention of the Legislature of his State.

The subject which your committee have hadunder consideration is one in which all of the slave-holding States are equally interested with Virginia. Your committee therefore recommend that the Governor of this State be requested to open a correspondence with the Executive of each of these States, informing them of the importance which Virginia attaches to this subject, communicating our proceedings in relation to it, and asking their co-operation in all proper measures of redress, which, in the event that New York shall decline to us justice, we may be called upon to adopt.

The people of Virginia have not witnessed the controversy, somewhat similar to this, in which Georgia is involved with Maine, without taking in it the deepest interest. Virginia is prepared to make common cause with Georgia, or any other slave-holding State, in a similar controversy.

It is true that the grounds taken by the Governor of Maine are much less exceptionable than those assumed by the Executive of New York; but in the opinion of your committee not less untenable. Your committee will not extend this report to establish, by argument, a proposition, which has already been demonstrated by others, and which will not be controverted by any unprejudiced mind. But the very variety of indefensible expedients resorted to by the authorities of some of the northern States to avoid the discharge of their constitutional duties, goes the more clearly to demonstrate the deep rooted hostility of those States to our domestic institutions, our peace and prosperity.

The patience of the south has already been too severely taxed, and we once for all, without bravado or threat, in the language of a distinguished Senator of New York, warn the non-slaveholding States "that they may

find when it is too late that the patience of the south, however well founded upon principle, from repeted aggressions will become exhausted."

Your committee do not apprehend that the cause of the moderation which they recommend will be misunderstood. We ate too clearly right to be rash. Fortunately Virginia's character for chivalry is not so doubtful that she must be rash in order to seem to be firm.

Your committee cannot close this report without expressing, in high terms, its cordial approbation of the conduct of the Executive of Virginia in relation to this controversy with New York.

Your committee recommend the adoption of the following resolutions:

1. *Resolved*, That the reasons assigned by the Governor of New York for his refusal to surrender Peter Johnson, Edward Smith, and Isaac Gansey, as fugitives from justice, upon the demand of the Executive of this State, are wholly unsatisfactory; and that that refusal is a palpable and dangerous violation of the Constitution and laws of the United States.

2. *Resolved*, That the course pursued by the Executive of New York cannot be acquiesced in, and if sanctioned by that State and persisted in, it will become the solemn duty of Virginia to adopt the most decisive and efficient measures for the protection of the property of her citizens and the maintenance of rights which she cannot and will not, under any circumstances, surrender or abandon.

3. *Resolved*, That the Governor of this State be authorized and requested to renew his correspondence with the Executive of New York, requesting that that functionary will review the grounds taken by him; and that he will urge the consideration of the subject upon the Legislature of his State.

4. *Resolved*, That the Governor of Virginia be requested to open a correspondence with the Executive of each of the slave-holding States, requesting their co-operation in any necessary and proper measure of redress which Virginia may be forced to adopt.

5. *Resolved*, That the Governor of Virginia be requested to forward copies of these proceedings to the Executive of each State of this Union, with the request that they be laid before their respective Legislatures.

Agreed to by the House of Delegates, February 28th, 1840.

GEORGE W. MUNFORD, C. H. D.

Agreed to by the Senate, March 17th, 1840.

A. HANSFORD, C. S.

An aggregate balance sheet of the Receipts and Disbursements of the Sinking Fund.

RECEIPTS.	Dollars. Cents.	EXPENDITURES.	Dollars Cents.
From Maysville, Washington, Paris, and Lexington Turnpike road,	$14,189 25	By Interest account,	327,488 73
From Shelby county Turnpike road,	1,910 38	By Exchange account,	12,187 02
From Anderson county Turnpike road,	1,312 03	By Contingent account,	5,880 00
From Muldrow's Hill Turnpike road,	1,528 87	By Bank Stock,	298,099 46
From Springfield and Bardstown Turnpike road,	770 37	By Internal Improvement Bonds,	870,000 00
From Franklin county Turnpike road,	1,600 00	By Board of Education,	66,386 88
From Frankfort and Georgetown Turnpike road,	770 00		
From Lincoln county Turnpike road,	1,699 81		
From Franklin and Crab Orchard Turnpike road,	286 00		
From Louisville and Elizabethtown Turnpike road,	300 00		
From Mercer county Turnpike road,	350 00		
From Winchester and Lexington Turnpike road,	607 04		
From Danville, Lancaster and Nicholasville Turnpike road,	1,608 04		
From Lexington and Georgetown Turnpike road,	604 11		
From Covington and Lexington Turnpike road,	770 00		
From Frankfort, Versailles and Lexington Turnpike road,	800 00		
From Slack-water Navigation,	307 08		
From Commonwealth's Bank,	96,730 00		
From Old Bank of Kentucky,	17,901 00		
From Bank of Kentucky,	258,297 47		
From Northern Bank of Kentucky,	209,144 14		
From Premium,	55,581 03		
From Bank of Louisville,	26,850 00		
From Board of Education,	301 61		
From Penitentiary,	5,000 00		
From Surplus Revenue,	850,159 02		
From Cash of State Treasurer,	33,249 33		
	1,582,626 58		1,580,042 09
Balance on hand,	2,584 49		

Mr. Woodson moved the following resolution, viz:

Resolved, That Thomas J. Todd be allowed the privilege of a seat within the bar of this House, for the purpose of reporting its proceedings for the "Commonwealth;" and that John W. Finnell be allowed a seat, for reporting the same for the "Lexington Intelligencer."

Which being twice read, was adopted.

And then the House adjourned.

TUESDAY, DECEMBER 8, 1840.

Mr. Sprigg, from the county of Shelby; Mr. Nance, from the county of Trigg; and Mr. Perciful, from the county of Meade, appeared and took their seats.

The Speaker laid before the House the annual report of the Keeper of the Penitentiary.

[*For this report, see Legislative Documents—page* 113.]

1. Mr. Haggard presented the petition of the Justices of Clinton County Court, praying that the time of holding the County Courts may be changed.

2. Mr. McHenry presented the petition of sundry citizens of Hancock county, praying the establishment of an election precinct in said county.

3. Mr. Bush presented the petition of Elizabeth Bartlett, praying to be divorced from her husband, James Bartlett.

4. Mr. Towles presented the petition of the Kentucky Silk Manufacturing Company, praying the privilege of constructing a canal from Green river (between Locks Nos. 1 and 2) to the Ohio river.

5. Mr. Bullock presented the petition of Prentice L. Lamb—who stands indicted in the Jefferson Circuit Court, for felony—praying for a change of venue.

6. Mr. Thomasson presented the petition of the Justices of the Trimble County Court, praying that the time of holding the County Courts may be changed.

7. Mr. Lackey presented the petition of Jacob Mays, Clerk of the Floyd Circuit and County Courts, praying for a longer time to have said offices examined.

8. Mr. Graham presented the petition of Henry C. Jones, praying to be divorced from his wife, Eleanor Jones.

9. Mr. Shanks presented the petition of Elizabeth McDowell, praying to be divorced from her husband, James McDowell.

10. Mr. Thomasson presented a petition to change the time of holding the Oldham Circuit Court.

11. Mr. Haydon presented the petition of Margaret Stinson, praying to be divorced from her husband, John C. Stinson.

12. Mr. B. Smith presented the petition of John Pence, praying to be divorced from his wife, Jane Pence.

15. Also, the petition of Sally B. Burton, praying to be divorced from her husband, James K. Burton.

14. Mr. Brent presented the petition of Thomas Y. Brent, executor of John Hutchins, deceased, praying the passage of a law authorizing him to pay over to the guardian of the children of said Hutchins, money belonging to the estate.

15. Mr. Stevens presented the petition of sundry citizens of Caldwell, Union, Hopkins and Livingston, praying for the formation of a new county out of parts of said counties.

Which were received, the reading thereof dispensed with, and referred: the 1st, 5th, 6th, 10th and 14th to the committee for Courts of Justice; the 2d to the committee on Privileges and Elections; the 3d, 8th, 9th, 11th, 12th and 13th to the committee on Religion; the 4th to the committee on Internal Improvement; and the 7th and 15th to the committee on Propositions and Grievances.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Calhoon—1. A bill to impose penalties upon the commanders of steamboats who may remove wood from wood yards without the consent of the owner, and without making compensation for the same.

On the motion of Mr. Stephens—2. A bill for the benefit of the Clerk of the Grant County Court.

On the motion of Mr. Buckner—3. A bill for the benefit of the Sheriff of Christian county.

On the motion of Mr. Caldwell—4. A bill for the benefit of the Clerk of the Adair Circuit Court.

On the motion of Mr. Haggard—5. A bill giving John Irvin (Sheriff of Clinton county) further time to return his delinquent list of revenue and county levy for the year 1840.

On the motion of Mr. Waring—6. A bill to divorce Burilla W. Littleton from her husband, and to restore her to her maiden name.

On the motion of Mr. Graham—7. A bill to change the time of holding the Bullitt County Courts.

On the motion of Mr. Atkinson—8. A bill for the benefit of the town of Russellville.

On the motion of Mr. Lackey—9. A bill to amend an act exempting certain property from execution, approved February 19, 1840.

On the motion of Mr. Thomas—10. A bill for the benefit of Isaac M. Bellveal.

On the motion of Mr. Rowlett—11. A bill for the erection of a bridge across main Eagle creek.

On the motion of Mr. Curle—12. A bill to increase the jurisdiction of magistrates.

On the motion of Mr. Forman—13. A bill to amend the law making provision for working the roads in the county of Mason.

On the motion of Mr. Towles—14. A bill to amend and reduce into one the several acts (and parts of acts) respecting the working of the highways and public roads of this Commonwealth.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 4th; Messrs. Stephens, Goodson and Latimer the 2d; the committee on Ways and Means the 3d and 5th; the committee on Religion the 6th; Messrs. Graham, Speed and J. P. Hardin the 7th; Messrs. Atkinson, Davidson, Harrison and Buckner the 8th: Messrs. Lackey, Goble and Bruton the 9th; Messrs. Thomas, Goble and Bullock the 10th; Messrs. Rowlett, N. B. Stephens and Hawkins the 11th; Messrs. Curle; Newell and Shanks the 12th; Messrs. Forman, C. A. Marshall and W. C. Marshall the 13th; and Messrs. Towles, Reeves, McHenry and Calhoon the 14th.

Mr. McHenry read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be directed to report the several works which, in their opinion, have so far progressed as that they cannot be suspended without plain and manifest injury to the interest of the State; and that they also report such objects of improvement, now in progress, as may be most easily suspended, and with the least detriment to the public good, and without injustice to contractors.

The rule of the House and constitutional provision requiring joint resolutions to lie on the table one day having been dispensed with, the said resolution was twice read, and adopted.

Mr. Davidson read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three members from the Senate, and five from the House of Representatives, be appointed, to confer with the Building Committee and City Council of the city of Louisville, either by letter or otherwise, and ascertain upon what terms they will surrender to the State of Kentucky, the buildings now in progress in that city, for the use of the State, and report.

Mr. Woodson moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to en-

quire into the expediency of allowing witnesses turnpike tollage, in going to and returning from the courts to which they have been summoned.

Which being twice read, was adopted.

Mr. Cofer moved the following resolution, viz:

Resolved, That the committee on Religion be instructed to report unfavorably upon all petitions for divorce, where they are provided for by the general law.

Which being twice read, was adopted.

Mr. Newell moved the following resolution, viz:

Resolved, That the rules of the last session be adopted for the government of the present session.

Which being twice read, was adopted.

Mr. Reeves moved the following resolution, viz:

Resolved, That such of the Electors of the State of Kentucky as are now in Frankfort, be invited to take a seat within the bar of this House.

Which being twice read, was adopted.

Mr. Speed moved the following resolution, viz:

Resolved, That that part of the Governor's message which recommends provision to be made (by law) for an election of members of Congress, in case of a called session of Congress between the 4th of March and the annual election in August, in the second year of the congressional term, be referred to a select committee,

Which being twice read, was adopted.

Whereupon Messrs. Speed, Calhoon, McHenry and W. C. Marshall were appointed the committee, in pursuance thereof.

Mr. Ford moved the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the continuation of the law providing for the appointment of a Second Auditor, be referred to the committee on Ways and Means,

Which being twice read, was adopted.

Mr. Haggard moved the following resolution, viz:

Resolved, That the committee on Education be instructed to enquire into the expediency and propriety of dispensing with the Superintendent of Public Schools in this Commonwealth.

Which being twice read, was adopted.

And then the House adjourned.

WEDNESDAY, DECEMBER 9, 1840.

Ordered, That a committee of Propositions and Grievances be appointed: and a committee was appointed, consisting of Messrs. Woodson, Hawkins, Latimer, Fletcher, N. B. Stephens, Trussell and Cunningham; who are to meet and adjourn, from day to day, and take into consideration all propositions and grievances which may legally come before them, and all such matters as shall, from time to time, be referred to them, and report their proceedings to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of Privileges and Elections be appointed: and a committee was appointed, consisting of Messrs. W. N. Marshall, Gabbert, Brien, Gray, Howard, Kirtley and Nance; who are to meet and adjourn, from day to day, and take into consideration and examine all returns for members returned to serve in this House during the present session of the General Assembly, and all questions concerning privileges and elections, and report their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on Claims be appointed: and a committee was appointed, consisting of Messrs. Reeves, Brent, Craddock, Curle, Innes, Hart and Harrison; who are to meet and adjourn, from day to day, and take into consideration all public claims, and all other matters that may, from time to time, be referred to them, and report their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee for Courts of Justice be appointed: and a committee was appointed, consisting of Messrs. Calhoon, McHenry, Crenshaw, Caldwell, Loving, A. Harding and Shuck; who are to meet and adjourn, from day to day, and take into consideration all matters relating to courts of justice, and such other as may be, from time to time, referred to them, and report their proceedings (with their opinion thereon) to this House; and said committee are to inspect the Journal of the last session, and draw up a statement of the matters there pending and undetermined, and the progress made therein; also, to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are now expiring, and report the same to the House, (with their opinion thereon) which of them ought to be renewed and continued; and the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on Religion be appointed: and a committee was appointed, consisting of Messrs. Ford, Cofer, Lackey, Bruton, Park, Stockton and J. Stevens; who are to meet and adjourn, from day to day, and take into consideration all matters and things relating to religion and morality, and such others as may be, from time to time, referred to them, and report their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of Ways and Means be appointed: and a committee was appointed, consisting of Messrs. Vance, Forman, Mason, C. A. Marshall, Curd, Mitchell and Rudd; who are to meet and adjourn, from day to day, and take into consideration the revenue laws of this Commonwealth, and all other matters relative to, or connected with the fiscal concerns thereof, and such others as may be, from time to time, referred to them, and report their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. Bullock, Draffin, Goodson, Buckner, Newell, J. P. Hardin, Thomasson, Atkinson, White, Morgan, Colyer and Imboden; who are to meet and adjourn, from day to day, and take into consideration all such matters and things relating to the improvement of the condition of the country, by roads and canals, and such other as may legally come before them, or be referred to them, reporting their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on Education be appointed: and a committee was appointed, consisting of Messrs. Johnson, Bullock, Towles, Hays, Hawkins, Paris and Craddock; who are to meet and adjourn, from day to day, and take into consideration all matters and things relating to education, and the subjects immediately connected therewith, and such other as may, from time to time, be referred to them, reporting their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on Military Affairs be appointed: and a committee was appointed, consisting of Messrs. Bush, Rowlett, Waring, Snider, Wortham and Watkins; who are to meet and adjourn, from day to day, and take into consideration the militia laws of this Commonwealth, and all matters in relation to the militia, and such other as may, from time to time, be referred to them, reporting their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on the Expenditures of the Board of Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. Sprigg, Brent, B. Smith, Chilton, Goble, Trussell and Haggard; who are to meet and adjourn, from time to time, and take into consideration all matters in relation to the expenditure of money by the Board of Internal Improvement, and such other matters as may be, from time to time, referred to them, and report their proceedings thereon (with their opinion) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on the Penitentiary be appointed: and a committee was appointed, consisting of Messrs. Draffin, Graham, H. H. Smith, Haydon, Shaw, Triplett and Combs; who are to meet and adjourn, from time to time, and take into consideration all matters and things in relation to the Penitentiary, and such other as may, from time to time, be referred to them, and report their proceedings (with their opinion threon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on Agriculture and Manufactures be appointed: and a committee was appointed, consisting of Messrs. Speed, Riffe, Raymon, Taylor, Cunningham, Wakefield and Chenault; who are to meet and adjourn, from day to day, and take into consideration all matters and things in relation to agriculture and manufactures, and such other as may, from time to time, be referred to them, and report their proceedings (with their opinion thereon) to this House; said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on Banks be appointed: and a committee was appointed, consisting of Messrs. W. C. Marshall, Shanks, Thomasson and Hazlerigg; who are to meet and adjourn, from day to day, and examine, within the first thirty days of the session, the condition of all the Banks in the State, the amount of loans on the aggregate, and the proportion to the country, cities and towns, and the amount loaned to the Directors; and their liabilities on bills of exchange, and the several amounts the fifty highest debtors are in the cities; and enquire into and report all facts necessary to a complete understanding of their management, and such other matters in relation thereto, as may, from time to time, be referred to them, and report their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on the Sinking Fund be appointed: and a committee was appointed, consisting of Messrs. McHenry, Buckner, Hazlerigg, Haggard, Miller and Williams; who are to meet and adjourn, from day to day, and take under consideration all matters in relation to the Sink-

ing Fund, and such other as may, from time to time, be referred to them, and report their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on the Library be appointed: and a committee was appointed, consisting of Messrs. Caldwell, Haydon, J. P. Hardin, Johnson, Perciful, Goble and Watts; who are to meet and adjourn, from day to day, and take into consideration all matters and things relating to the public library, and such other as may, from time to time, be referred to them, and report their proceedings (with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee on the Public Offices be appointed: and a committee was appointed, consisting of Messrs. Davidson, Latimer, Botts, Thomas, Perciful, Riffe and Taylor; who are to meet and adjourn, from day to day, and examine into the public offices, and report their situation and their proceedings (together with their opinion thereon) to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That Messrs. Pittman, N. B. Stephens, Hays, Thomas, Imboden and Watts be appointed a committee of Enrollments on the part of this House; and that Mr. Pittman inform the Senate thereof.

Mr. John Curd, a member from the county of Fayette; Mr. Charles T. Chilton, the member from the county of Henry, and Mr. Warrick Miller, a member from the county of Jefferson, appeared and took their seats.

1. Mr. Caldwell presented the petition of Daniel Boodey, who is charged with an affray, in the Green Circuit Court, praying for a change of venue.

2. Mr. Johnson presented the petition of Susan James, praying to be divorced from her husband, Thomas M. James.

3. Mr. H. H. Smith presented the petition of George W. Clark, praying to be divorced from his wife, Sarah Clark.

4. Also, the remonstrance of sundry citizens of Hopkins county, against the formation of a new county out of parts of the counties of Hopkins, Union, Caldwell and Livingston.

5. Mr. Hawkins presented the petition of sundry citizens of Carroll county, praying the establishment of an election precinct at Ghent, in said county.

6. Mr. Wortham presented the petition of the Clerk of the Graves County Court, praying to be released from the payment of thirty dollars, which he failed to collect from a pedlar.

7. Mr. Imboden presented the petition of Henry Black, jr. executor of Henry W. Black, deceased, praying to be released from the penalties of a bond executed for the delivery of public arms.

8. Mr. Wortham presented the petition of Nancy Freeman, praying to be divorced from her husband, James A. Freeman.

9. Mr. Mason presented the petition of Fanny Dawson, praying to be divorced from her husband, James W. Dawson.

10. Mr. Crenshaw presented the petition of sundry citizens of Barren county, praying for the formation of a new county out of parts of Barren, Cumberland, Green and Adair counties.

11. Also, the petition of John P. Cook and Otha Naylor, executors of Wm. B. Cook, deceased, praying for the confirmation of a sale of some real estate belonging to said decedent.

12. Mr. J. P. Hardin presented the petition of sundry citizens of Nelson county, praying permission to have a dam erected on the Beech Fork, at an island in said river.

13. Mr. A. Harding presented the petition of Samuel J. Cabell, for himself and wife, praying that they may be mutually divorced.

14. Mr. Watts presented the petition of Charles Butts, praying to be divorced from his wife, Evelina Butts.

15. Also, the remonstrance of sundry citizens of Livingston county, against the formation of a new county out of parts of the counties of Livingston, Caldwell, Hopkins and Union.

16. Mr. Hazlerigg presented the petition of sundry citizens of Sharpsburg and its vicinity, in Bath county, praying for an additional Justice of the Peace.

17. Mr. Brien presented the petition of sundry citizens of Calloway county, praying for an election precinct in said county.

18. Also, the petition of sundry citizens of Calloway county, praying for the removal of the place of voting in a precinct in said county.

19. Mr. N. B. Stephens presented the petition of Eliza Jane Smith, praying to be divorced from her husband.

20. Mr. Brien presented the petition of Susannah Shultz, praying to be divorced from her husband, David Shultz.

21. Mr. Buckner presented the petition of sundry citizens of Christian county, praying for the establishment of a State road from Hopkinsville to Clarksville, in Tennessee.

22. Mr. Waring presented the memorial of H. Catlett, praying an investigation in the management and disbursement of the money appropriated to the Owingsville and Big Sandy turnpike road.

23. Mr. Goble presented the memorial of Horatio Catlett, praying an investigation in the conduct and management of the President and Treasurer of the Owingsville and Big Sandy Turnpike Road Company.

Which petitions, remonstrances and memorials were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts

of Justice; the 2d, 3d, 8th, 9th, 13th, 14th, 19th and 20th to the committee on Religion; the 4th, 10th and 15th to the committee on Propositions and Grievances; the 5th, 17th and 18th to the committee on Privileges and Elections; the 6th to the committee on Ways and Means; the 7th to the committee on Military Affairs; the 11th to Messrs. Crenshaw, A. Harding and B. Smith; the 12th, 21st, 22d and 23d to the committee on Internal Improvement; and the 16th to Messrs. Hazlerigg, Cunningham, Bush and Forman.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill for the benefit of Madisonia Quinn.

On the motion of Mr. Paris—2. A bill to reduce the salaries of the public officers of this Commonwealth.

On the motion of Mr. Graham—3. A bill to extend the July term of the Bullitt Circuit Court.

On the motion of Mr. Hazlerigg—4. A bill regulating the duty of Justices of the Peace.

On the motion of Mr. Riffe—5. A bill for the benefit of the Clerk of the Casey County Court.

On the motion of Mr. Wortham—6. A bill to change the mode of comparing the votes for Governor, Presidential Electors, and other officers.

On the motion of Mr. Towles—7. A bill to repeal and amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes.

On the motion of same—8. A bill to establish a State road from Henderson (through Madisonville) to Hopkinsville.

On the motion of Mr. Hays—9. A bill to incorporate the Elizabethtown Fire Company.

On the motion of Mr. Goble—10. A bill to change the time of holding the Lawrence County Court.

On the motion of Mr. Howard—11. A bill to incorporate Gamaliel Schoolhouse, in Monroe county.

On the motion of Mr. Perciful—12. A bill for the benefit of John Cain.

On the motion of Mr. Fletcher—13. A bill to authorize limited partnerships.

On the motion of Mr. McHenry—14. A bill to amend the several acts relative to proceedings upon appeal from the judgments of Justices of the Peace.

On the motion of Mr. Hart—15. A bill for the benefit of the Jailor of Pendleton county, and for other purposes.

On the motion of Mr. Johnson—16. A bill to amend the laws concerning the emancipation of slaves.

On the motion of Mr. Haydon—17. A bill for the benefit of Tabitha Jane Hix.

On the motion of Mr. Crenshaw—18. A bill to change the name of Gilmore Wilcut to that of Gilmore Hay, and for other purposes.

On the motion of Mr. Haggard—19. A bill shortening the time allowed by law for the terms of the Cumberland Circuit Court, and altering the time of the commencement of the Monroe Circuit Court.

On the motion of Mr. Lackey—20. A bill to change the place of voting in an election precinct in Floyd county.

On the motion of Mr. W. C. Marshall—21. A bill to amend an act, entitled, an act to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county, approved December 9, 1806, and for other purposes.

On the motion of Mr. Vance—22. A bill to amend the law regulating the relinquishment of dower in real estate in this Commonwealth.

On the motion of Mr. Hazlerigg—23. A bill to change the place of voting in the upper precinct, in Bath county.

Ordered, That the committee on Religion prepare and bring in the 1st; Messrs. Paris, Ford, Davidson and Lackey the 2d; the committee for Courts of Justice the 3d, 14th, 16th, 18th, 19th and 22d; Messrs. Hazlerigg, Trussell, Morgan and Curle the 4th; the committee on Propositions and Grievances the 5th; Messrs. Wortham, Calhoon, Reeves and McHenry the 6th; Messrs. Towles, Calhoon, Fletcher, McHenry and Reeves the 7th; Messrs. Towles, H. H. Smith and Harrison the 8th; Messrs. Hays, Cofer and J. P. Hardin the 9th; Messrs. Goble, Thomas and Hart the 10th; the committee on Education the 11th; Messrs. Perciful, Calhoon and Gray the 12th; Messrs. Fletcher, Calhoon, Bullock and Towles the 13th; Messrs. Hart, Thomas and Goble the 15th; Messrs. Haydon, Calhoon, Riffe and Colyer the 17th; Messrs. Lackey, Hazlerigg and Bruton the 20th; Messrs. W. C. Marshall, C. A. Marshall and Forman the 21st; and Messrs. Hazlerigg, Bruton, Williams and Triplett the 23d.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Thomas—1. A bill for the benefit of Isaac M. Belveal.

By Mr. Lackey—2. A bill to amend an act reserving certain property from execution, and for other purposes.

By Mr. N. B. Stephens—3. A bill to authorize the Clerk of the Grant County Court to record certain deeds, &c. in his office, which were not recorded at the death of the late Clerk.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the first was ordered to be engrossed and

read a third time, and the second and third were referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the first bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Bullock moved the following resolutions, viz:

Resolved, That so much of the Governor's message as relates to the revenue of the State, and the propriety of increasing the same, be referred to the committee of Ways and Means.

2. That so much of said message as refers to the debt owing by the Lexington and Ohio Railroad Company, for the payment of which the State is security, and the action of the Auditor of Public Accounts in relation thereto, be referred to the committee on Courts of Justice.

3. That so much of said message as refers to the condition of the Banks, and the interests held by the State in the same, be referred to the committee on Banks.

4. That so much of said message as refers to the condition of the Sinking Fund, be referred to the committee on the Sinking Fund.

5. That so much of said message as refers to the subject of Internal Improvement, be referred to the committee on Internal Improvement.

6. That so much of said message as refers to the expediency of a Bank of the United States, and the action of the General Assembly in relation thereto, and the disposition of the proceeds of the public lands of the U. States, be referred to a select committee.

7. That so much of said message as refers to the office of Second Auditor, be referred to the committee on Courts of Justice.

8. That so much of said message as refers to the expediency of enlarging the Auditor's office, be referred to a select committee.

9. That so much of said message as refers to the Preamble and Resolutions of the Legislature of Virginia, be referred to the committee on Courts of Justice.

Which being twice read, were adopted.

Mr. Davidson moved the following resolution, viz:

Resolved, That the Rev, John C. Harrison, stationed minister of the Methodist Episcopal Church, in Frankfort, be permitted to take a seat within the bar of this House, during the present session.

Which being twice read, was adopted.

On motion of Mr. Forman,

Ordered, That the Public Printer forthwith print 150 copies of the Virginia Resolutions accompanying the Governor's message, and 2,000 copies of the document in relation to the situation of the Sinking Fund, for the use of the members of this House.

Mr. Shuck moved the following resolution, viz:

Resolved, That the committee on Propositions and Grievances be instructed to enquire into the expediency of providing by law, that all persons pass-

ing through any toll-gate or bridge in this Commonwealth, where toll is now or shall hereafter be collectable by law, when going to or returning from grist mills, musters, places of public worship, and all elections of officers elective by the people, whether of the State or Federal government, shall be exempt from the payment of toll.

Which being twice read, was adopted.

Mr. Rowlett moved the following resolution, viz:

Resolved, That M. Brayman be permitted to take a seat within the bar of this House, for the purpose of reporting its proceedings.

Which being twice read, was adopted.

Mr. Towles moved the following resolution, viz:

Resolved, That there be added to the standing committees of this House, a committee on the Public Printing.

Which being twice read, was adopted.

The Speaker laid before the House the annual report of the Treasurer, which is as follows:

STATE OF KENTUCKY,
Treasury Office, December 9, 1840.

SIR:

You will please lay before the honorable House over which you preside, the accompanying statement, which will give a concise view of the situation of the Treasury Department from the 11th day of October, 1839, to the 10th day of October, 1840, inclusive.

The receipts and disbursements of the interest account on the six year bonds, was omitted in the printed report. The account stands as follows:

Received of Gov. Letcher, prior to the 10th day of October, 1840, to pay interest on the six year State bonds, the sum of	$1,000 00
Disbursed prior to the 10th October, 1840, the sum of -	563 01
Leaving a balance in the Treasury of this fund, the sum of -	436 99

I have the honor to be,
Very respectfully,
Your obedient servant,
JAMES DAVIDSON,
Treasurer.

Hon. CHARLES S. MOREHEAD,
Speaker of the House of Representatives.

[*For this report, see Legislative Documents—page* 205.]

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the General Assembly.

And then the House adjourned.

THURSDAY, DECEMBER 10, 1840.

1. Mr. Davidson presented the petition of Robert Henry, praying the passage of a law allowing an additional Constable to Logan county.

2. Mr. Lackey presented the petition of William Patrick, praying the passage of a law permitting him to change that part of the State road (from Mountsterling to the Virginia State line) passing through his farm.

3. Also, the petition of Christopher Patton, praying the passage of a law permitting him to change that part of said road passing through his land.

4. Mr. Riffe presented the petition of W. Bowman, Deputy Sheriff of Casey county, praying the passage of a law allowing him compensation for conveying a lunatic to the Asylum in Lexington.

5. Mr. Brien presented the petition of Martha A. Clarke, praying to be divorced from her husband, Wm. J. Clark.

6. Mr. H. H. Smith presented the petition of the Trustees of the Baptist Church, at Providence, in Hopkins county, praying the passage of a law authorizing a conveyance of certain real estate to them.

7. Mr. Rudd presented the petition of Sophia Priest, praying to be divorced from her husband, Temple Priest.

8. Mr. Bullock presented the remonstrance of Temple Priest, against granting his wife, Sophia Priest, a divorce.

9. Also, the petition of the Louisville and Portland Canal Company, praying an amendment of the charter of said company.

10. Mr. Cofer presented the petition of sundry citizens of Hardin county, praying the establishment of an election precinct in said county.

11. Mr. Rudd presented the petition of Catharine J. Lloyd, praying that she may be restored to her maiden name.

12. Mr. Haggard presented the remonstrance of sundry citizens of Cumberland county, against the formation of a new county out of parts of Cumberland, Barren, Adair and Green counties.

13. Mr. Buckner presented the petition of the widow and heirs of Edw'd Payne, deceased, praying the passage of a law authorizing the sale of a part of the real estate to pay the debts of the decedent.

14. Also, the petition of Wm. C. Gray, praying the passage of a law authorizing him to introduce into this State, some slaves, which he has purchased in the State of Mississippi.

15. Mr. Hays presented the petition of John Coyle, who is indicted in the Hardin Circuit Court, for murder, praying a change of venue.

16. Mr. Buckner presented the petition of James P. Anderson, praying that his title to a tract of land may be confirmed.

17. Mr. Colyer presented the petition of James Lewis, praying that he may be permitted to keep a tavern, without the payment of license.

Which were received, the reading thereof dispensed with, and referred: the 1st to Messrs. Davidson, Atkinson and Loving; the 2d and 3d to Messrs. Lackey, Combs and Park; the 4th to the committee on Claims; the 5th, 7th and 8th to the committee on Religion; the 6th, 9th, 13th, 14th, 15th and 16th to the committee for Courts of Justice; the 10th to Messrs. Cofer, Gray, and Hays; the 11th to Messrs. Rudd, Bullock and Miller; the 12th to the committee on Propositions and Grievances; and the 17th to the committee on Ways and Means.

The Speaker, in pursuance of the resolution adopted on yesterday, appointed the following as the standing committee on the Public Printing:

Messrs. Towles, Draffin, Loving, Forman, Raymon, Watts and Paris.

The Speaker appointed the following select committee, on the 6th resolution proposed by Mr. Bullock on yesterday, viz:

Messrs. Bullock, Haggard, Hays, Reeves, Caldwell, Goble and J. P. Hardin.

The Speaker appointed the following select committee, on the 8th resolution proposed by Mr. Bullock on yesterday, viz:

Messrs. Craddock, Haydon, Curle, Miller, C. A. Marshall, Wortham and Mitchell.

The Speaker laid before the House the annual report of the Second Auditor of Public Accounts, which is as follows:

REVENUE DEPARTMENT, AUDITOR'S OFFICE,
Frankfort, December 10, 1840.

SIR:

I enclose the annual report from this Department.

Very respectfully, your obedient servant,

THOS. S. PAGE,
Second Auditor.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

[*For the report, see Legislative Documents, page* 1.]

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Ford, from the committee on Religion—1. A bill to divorce Elizabeth Bartlett.

By Mr. Graham—2. A bill to change the time of holding the Bullitt County Court.

By Mr. Hazlerigg—3. A bill regulating proceedings before Justices of the Peace.

By same—4. A bill to change the place of voting in the Upper Precinct, in Bath county.

By Mr. Lackey—5. A bill to change the place of voting in certain election precincts in Floyd county.

By Mr. Towles—6. A bill to repeal the law of 1833, prohibiting the importation of slaves, and for other purposes.

By Mr. Goble—7. A bill to change the time of holding the Lawrence County Court.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 4th, 5th and 7th were severally ordered to be engrossed and read a third time; the 2d was referred to Messrs. Graham, Speed and Thomasson; and the 3d and 6th to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 4th, 5th and 7th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Draffin read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when it adjourns on the 24th instant, it will adjourn without day.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill to suppress the use of certain weapons in this Commonwealth.

On the motion of Mr. Hawkins—2. A bill conferring upon the County Courts of Carroll and Gallatin, power to change the State roads running through their respective counties.

On the motion of Mr. Brien—3. A bill to change the times of holding Courts in the 16th Judicial district, and for other purposes.

On the motion of Mr. A. Harding—4. A bill to form a new Judicial district, and for other purposes.

On the motion of same—5. A bill for the benefit of the estate of John Robbins, deceased.

On the motion of Mr. H. H. Smith—6. A bill to divorce Nancy Shelton from her husband, Cuthbert Shelton.

On the motion of Mr. Cofer—7. A bill to increase the resources of the Sinking Fund, and to provide for paying off the public contractors, and for other purposes.

On the motion of Mr. Craddock—8. A bill to incorporate a company to construct a bridge across Green river, at Munfordsville.

On the motion of same—9. A bill to amend an act, entitled, an act to

amend an act establishing a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

On the motion of Mr. Vance—10. A bill to regulate the sale of ardent spirits in this Commonwealth.

On the motion of Mr. Bullock—11. A bill to establish a school for the education of the blind.

On the motion of Mr. Watts—12. A bill to incorporate the town of Smithland, and for other purposes.

On the motion of Mr. Forman—13. A bill to alter the bounds of the Germantown precinct, in Mason county.

On the motion of Mr. Fletcher—14. A bill for the benefit of the members of the fire company in the town of Paducah.

On the motion of Mr. Rowlett—15. A bill to change the mode of taking in the list of taxable property in this Commonwealth.

Ordered, That Messrs. Draffin, White and Forman prepare and bring in the 1st; Messrs. Hawkins, J. P. Hardin and Hays the 2d; Messrs. Brien, Stevens, Watts, Fletcher, Shaw and Wortham the 3d; the committee for Courts of Justice the 4th; Messrs. A. Harding, Crenshaw, W. N. Marshall and Stockton the 5th; the committee on Religion the 6th; Messrs. Cofer, Calhoon, Crenshaw, Ford, Craddock, McHenry and Johnson the 7th; Messrs. Craddock, Hays and Cofer the 8th; Messrs. Craddock, Gray and Cofer the 9th; the committee on Ways and Means the 10th; the committee on Education the 11th; Messrs. Watts, Fletcher, Towles and Wortham the 12th; Messrs. Forman, C. A. Marshall and W. C. Marshall the 13th; Messrs. Fletcher, Towles and Graham the 14th; and Messrs. Rowlett, Hays, Cofer, and Hawkins the 15th.

Mr. Craddock moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to prepare and report a bill equalizing the labors of the Circuit Judges of this Commonwealth.

Which being twice read, was adopted.

On motion of Mr. Bullock,

Ordered, That Mr. Hays be added to the committee on Internal Improvement.

Mr. McHenry moved a re-consideration of the vote adopting a joint resolution directing the Board of Internal Improvement to report what works of public improvement can be suspended.

And the question being taken thereon, it was decided in the affirmative.

Mr. McHenry then moved to amend said resolution by striking out the following: "By the General Assembly of the Commonwealth of Kentucky;" and it was decided in the affirmative.

The said resolution, as amended, was then twice read and adopted.

And then the House adjourned.

FRIDAY, DECEMBER 11, 1840.

1. Mr. Craddock presented the petition of Roger Jones and Albert L. Jones, praying the passage of a law authorizing the said Albert (who is an infant) to convey certain real estate.

2. Mr. Atkinson presented the petition of the members of Pleasant Grove Church, in Logan county, praying the passage of a law incorporating the same.

3. Mr. Vance presented the petition of Thomas D. Davis, guardian of James D. Veech, praying the passage of a law authorizing a sale of certain real estate of his ward.

4. Also, a memorial of the members of the Bar and sundry citizens of Louisville, praying the passage of a law allowing additional compensation to the Prosecuting Attorney in the 5th Judicial district.

5. Mr. Perciful presented the petition of the widow and heirs of James B. Slaughter, deceased, praying the passage of a law authorizing a sale of certain real estate of said deceased.

6. Mr. Paris presented the petition of Thomas S. Burton, a minor, praying the passage of a law authorizing his guardian to deliver him the estate held by said guardian.

7. Mr. Loving presented the petition of James P. Howard, praying that a law may pass, relieving him from the restriction imposed by the statute against persons obtaining divorces in courts of chancery, contracting matrimony for two years thereafter.

8. Mr. Ford presented the petition of Polly Ridgway, praying to be divorced from her husband, Richard Ridgway.

9. Mr. Davidson presented the petition of Pelina Howard, praying to be divorced from her husband, James Howard.

10. Mr. Wakefield presented the petition of Reuben Collings and George W. Brewer, praying the passage of a law allowing them to build a mill dam across Salt river.

11. Mr. Vance presented the petition of sundry contractors on the Louisville and Elizabethtown turnpike road, praying the passage of a law for their relief.

12. Mr. Wakefield presented the petition of Nicholas Porter, praying the passage of a law permitting him to build a dam across Salt river.

13. Mr. Cofer presented the petition of O'Brien & Williams, contractors

on the Louisville and Nashville turnpike road, praying for provision to be made for paying them for the work done by them on said road.

14. Mr. Hays presented the petition of Elizabeth Brady, guardian of the infant children of Jonathan M. Brady, deceased, praying the passage of a law authorizing her to convey certain real estate belonging to her wards.

15. Mr. Rowlett presented the petition of sundry citizens of Grant county, praying to be added to the county of Owen.

16. Mr. J. Stevens presented the petition of sundry citizens of Caldwell county, praying the passage of a law allowing an additional Justice of the Peace to said county.

17. Also, the petition of sundry citizens of Caldwell county, praying that an election precinct in said county may be abolished.

Which were received, the reading thereof dispensed with, and referred: the 1st, 2d, 3d, 4th, 5th, 6th and 14th to the committee for Courts of Justice; the 7th, 8th and 9th to the committee on Religion; the 10th, 11th, 12th and 13th to the committee on Internal Improvement; the 15th and 16th to the committee on Propositions and Grievances; and the 17th to the committee on Privileges and Elections.

The committee for Courts of Justice, to whom was referred the petition of Thomas Y. Brent, reported the same, with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Ford, from the committee on Religion, to whom was referred the petitions of Susannah James; of Henry C. Jones; and of Sally B. Burton, each praying for a divorce—reported the same, with the following resolution:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Ford, from the same committee, to whom was referred leave to bring in a bill to divorce Burilla W. Littleton from her husband, asked leave to be discharged from the further consideration thereof.

Mr. Waring moved that said committee be not discharged.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee consider said leave.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the benefit of Isaac M. Belveal.

And the passage of a bill and resolution from the Senate, of the following titles, viz:

An act allowing the Surveyor of Caldwell county further time to renew his official bond.

A resolution fixing a day for the election of a Senator in Congress.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.

By the committee for Courts of Justice—2. A bill for the benefit of the Clerk of the Adair Circuit Court.

By same—3. A bill to change the name of Gilmore Wilcut to that of Gilmore Hay.

By same—4. A bill to amend the laws concerning the emancipation of slaves.

By same—5. A bill to change the time of holding the Trimble County Court.

By the committee on Religion—6. A bill for the benefit of Margaret Stinson.

By same—7. A bill for the benefit of George W. Clark.

By Mr. W. C. Marshall—8. A bill concerning the town of Augusta.

By Mr. Hazlerigg—9. A bill to allow an additional Justice of the Peace to the county of Bath.

By Mr. Hawkins—10. A bill confering upon the County Courts of Carroll and Gallatin, power to change the State roads passing through said counties.

By Mr. Lackey—11. A bill for the benefit of Christopher Patton and Wm. Patrick.

By Mr. Towles—12. A bill to establish a State road from Henderson (through Madisonville) to Hopkinsville.

By Mr. Craddock—13. A bill to amend an act, entitled, an act to amend an act establishing a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county,

By Mr. Atkinson—14. A bill to incorporate the town of Russellville.

By Mr. Haydon—15. A bill for the benefit of Talitha Jane Hicks.

By Mr. McHenry—16. A bill fixing the time of holding the January term of the General Court for the year 1841.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 4th bill for the use of the members of the General Assembly.

Mr. Graham, from the committee to whom was referred a bill to change the time of holding the Bullitt County Court, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hazlerigg moved the following resolution, viz:

Resolved, That the committee on Propositions and Grievances be instructed to enquire into the expediency of granting further time to the Clerks of the Courts of this Commonwealth, who have failed to comply with the requisitions of the act of 19th February, 1840.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill to change the time of the sitting of the Court of Appeals.

On the motion of Mr. Haggard—2. A bill changing the time for the meeting of the Legislature of this State.

On the motion of Mr. Lackey—3. A bill to amend the penal laws of this Commonwealth.

On the motion of Mr. N. B. Stephens—4. A bill to establish a State road from Napoleon, in Gallatin county, to intersect the Georgetown and Covington turnpike road, at or near the Monticello School house, in Grant county.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 3d; Messrs. Haggard, Howard, B. Smith, Shanks, Haydon and Watts the 2d; and the committee on Internal Improvement the 4th.

A bill from the Senate, entitled, an act allowing the Surveyor of Caldwell county further time to renew his official bond,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A resolution from the Senate, fixing on a day for the election of a Senator in Congress, was twice read and concurred in.

Mr. Reeves moved the following resolution, viz:

Resolved, That the Sergeant-at-Arms of this House be permitted to avail himself of the services of his son, James Gray, to assist him in the discharge of his duties, during the present session of the General Assembly.

Which being twice read, was adopted.

Mr. Loving moved a reconsideration of the vote concurring in the report of the committee on Religion, rejecting the petition of Susannah James, praying a divorce.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said petition be recommitted to the committee on Religion.

And then the House adjourned.

SATURDAY, DECEMBER 12, 1840.

1. Mr. Ford presented the petition of Harriet Bennett, praying to be divorced from her husband, Benjamin Bennett.

2. Mr. Adams presented the petition of sundry citizens of Harlan county, praying the passage of a law establishing an election precinct in said county.

3. Mr. Haggard presented the petition of sundry citizens of Cumberland county, praying the passage of a law allowing an additional Constable to said county.

4. Mr. Rudd presented the petition of Edward Parks, praying a change of venue in certain indictments pending against him in the Jefferson Circuit Court.

5. Mr. Bruton presented the petition of the executrix and heirs of Jacob C. Butler, praying the passage of a law authorizing the Montgomery Circuit Court to decree an exchange of certain lands with Thomas Calk.

6. Mr. Rudd presented the petition of Eliza Boswell, praying to be divorced from her husband, Ignatius Boswell.

7. Mr. Vance presented the petition of sundry citizens of Jefferson county, praying the establishment of an election precinct at the house of Matthew Leach, in said county.

8. Mr. Loving presented the petition of sundry citizens of Warren county, praying the passage of a law allowing an additional Constable to said county.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st and 6th to the committee on Religion; the 2d to the committee on Privileges and Elections; the 3d to the committee on Propositions and Grievances; the 4th, 5th and 8th to the committee for Courts of Justice; and the 7th to Messrs. Vance, Miller, Wakefield, Rudd and Chilton.

Mr. Woodson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Green, Adair, Cumber-

land and Barren, praying the formation of a new county out of parts of said counties—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which, being twice read, was concurred in.

The committee for Courts of Justice, to whom was referred the petition of John Coyle, and of James P. Anderson—reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which, being twice read, was concurred in.

The committee on Religion, to whom was referred the petition of Sophia Priest, praying a divorce—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which, being twice read, was concurred in.

The committee on Ways and Means, to whom was referred the petition of James Lewis, praying permission to keep tavern without paying license therefor—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which, being twice read, was concurred in.

The committee for Courts of Justice, to whom was referred a bill regulating proceedings before Justices of the Peace—reported the same with amendments, which were concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The same committee, to whom was referred the petition of Wm. C. Gray, praying to introduce into this State, some slaves from the State of Mississippi—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected.

On motion of Mr. Calhoon,

Ordered, That said resolution be laid on the table for the present.

Mr. McHenry, from the same committee, to whom was referred a bill to authorize the Clerk of the Grant County Court to record certain deeds, &c. in his office, which were not recorded at the death of the late Clerk—reported the same with an amendment as a substitute for the bill; which, being twice read, was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The committee on Religion, to whom was referred the petition of Charles Butts, praying to be divorced from his wife—reported the same with the following resolution, viz:

Resolved, That the said petition is unreasonable.

Mr. Watts moved to amend said resolution, by striking out the word "unreasonable," and inserting the word "reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Privileges and Elections—1. A bill to establish an election precinct at the town of Lewis Port, in the county of Hancock.

By same—2. A bill to establish an election precinct at the town of Ghent, in the county of Carroll.

By the committee for Courts of Justice—3. A bill to extend the July term of the Bullitt Circuit Court.

By same—4. A bill to shorten the terms of the Cumberland Circuit Court, and to change the terms of the Monroe Circuit Court.

By same—5. A bill to change the time of holding the Clinton County Court.

By same—6. A bill allowing Prentice L. Lamb a change of venue.

By same—7. A bill for the benefit of the widow and heirs of Edward Payne, deceased.

By the committee on Religion—8. A bill for the divorce of Samuel J. Cabell and Louisa Cabell.

By same—9. A bill to divorce Fanny Dawson from her husband, James W. Dawson.

By the committee on Ways and Means—10. A bill for the benefit of the Sheriff of Clinton county.

By same—11. A bill to continue in force an act establishing the office of Second Auditor, and for other purposes.

By the committee on Education—12. A bill to incorporate the Trustees of Gamaliel School house, in Monroe county.

By Mr. Perciful—13. A bill for the benefit of John Cain.

By Mr. Fletcher—14. A bill for the benefit of the fire company in the town of Paducah.

By Mr. Speed—15. A bill to amend an act, entitled, an act to divide the State into congressional districts.

By Mr. Crenshaw—16. A bill for the benefit of the administrators and heirs of Wm. B. Cook, dec'd.

By Mr. Cofer—17. A bill to establish an additional election precinct in Hardin county.

By Mr. Hays—18. A bill to incorporate the Elizabetown Fire Company.

By Mr. Rudd—19. A bill for the benefit of Catharine J. Lloyd.

By Mr. Davidson—20. A bill to authorize an additional Constable in Logan county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said

bills having been dispensed with, (except the 15th,) the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 14th, 16th, 17th, 18th, 19th and 20th were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 13th, 15th, 16th, 17th, 18th, 19th and 20th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Calhoon moved the following resolution, viz:

Resolved, That the Governor of this Commonwealth be requested to communicate to this House, any letter or correspondence which he may have received from the Governor of Virginia, touching the question in dispute between the States of Virginia and New York, and which was not communicated with his message at the commencement of the present session.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Forman—1. A bill to repeal the law providing for the appointment of Commissioners to examine into the condition of the Clerks' offices of this Commonwealth.

On the motion of Mr. Howard—2. A bill to amend the militia law of this State.

On the motion of Mr. Perciful—3. A bill for the benefit of Jesse Hines.

On the motion of Mr. Shuck—4. A bill to amend the law regulating proceedings in Courts of Chancery.

On the motion of Mr. J. P. Hardin—5. A bill to amend an act, entitled, an act for the benefit of George H. Clements and others, passed session 1838–'9.

On the motion of Mr. Rowlett—6. A bill to regulate the districts of Justices of the Peace in this Commonwealth.

On the motion of Mr. Johnson—7. A bill to amend an act, entitled, an act authorizing a Lottery for the purpose of erecting a house in Lexington, for the use of the Medical school.

On the motion of Mr. Imboden—8. A bill to repeal an act establishing an election precinct in the town of Raleigh, in Union county.

On the motion of Mr. Hawkins—9. A bill changing the time of holding the Carroll County Courts.

On the motion of Mr. Brien—10. A bill allowing an additional Constable to Calloway county.

On the motion of same—11. A bill for the benefit of Obadiah Johnson.

On the motion of Mr. Triplett—12. A bill to enlarge the town of Owenboro', and for other purposes.

On the motion of Mr. Hays—13. A bill to enlarge the seventh Constable's district, in Hardin county.

On the motion of Mr. Shanks—14. A bill to amend and revive the law in relation to the election of Trustees for the town of Stanford, in Lincoln county.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 4th, 5th and 12th; the committee on Military Affairs the 2d; the committee on Religion the 3d and 11th; Messrs. Rowlett, Hawkins, Gray and Thomas the 6th; the committee on Education the 7th; Messrs. Imboden, H. H. Smith, N. B. Stephens and Latimer the 8th; Messrs. Hawkins, J. P. Hardin and Hays the 9th; Messrs. Brien, Reeves, Wortham and J. Stevens the 10th; Messrs. Hays, Hawkins, Loving and Cofer the 13th; and Messrs. Shanks, Buckner, Curle and Mason the 14th.

Mr. Crenshaw read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Thursday, the 24th instant, they will adjourn to meet on Monday, the 28th instant.

Mr. Clay moved the following resolution, viz:

Resolved, That the committee on Ways and Means are hereby instructed to enquire into the expediency of an ad valorem tax upon the premiums of insurance of the Insurance Agencies of all Insurance Companies not chartered by this State; and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Towles read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine Transylvania University and the Lunatic Asylum, and report to the Legislature the prospects and resources of the former, and the condition of the latter.

The rule of the House requiring joint resolutions to lie one day on the table, having been dispensed with, the said resolution was twice read, and adopted.

Mr. Towles asked leave to withdraw the petition, exhibits, &c. in an application at a former session, of Albert G. Walker, for a divorce; which was granted, and the papers withdrawn.

Mr. Towles moved a reconsideration of the vote concurring in the resolution of the committee for Courts of Justice, rejecting the petition of John Coyle.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said petition be recommitted to the committee for Courts of Justice.

And then the House adjourned.

MONDAY, DECEMBER 14, 1840.

Mr. Jeremiah W. South, the member returned to serve in this House from the counties of Breathitt and Morgan, appeared and took his seat.

1. Mr. Sprigg presented the petition of Elizabeth Fox, praying to be divorced from her husband, John Fox.

2. Mr. Bush presented the petition of James Bartlett, praying to be divorced from his wife, Elizabeth Bartlett.

3. Mr. Innes presented the petition of John Paul, praying to be divorced from his wife, Cassander Paul.

4. Mr. Buckner presented the petition of the widow and heirs of William Starling, deceased, praying the passage of a law authorizing a sale of certain real estate, held in trust for their use.

5. Mr. Innes presented the remonstrance of Cassander Paul, against the granting of a divorce to her husband, John Paul.

6. Mr. Loving presented the petition of William Marshall and wife, praying the passage of a law making Joseph L., William A., and Edward H. M. Phillips, heirs of Joseph Dulaney, deceased.

7. Mr. Mitchell presented the petition of Harrison Turner, praying to be divorced from his wife, Nancy Turner.

8. Mr. Gabbert presented the petition of Margaret M. Pulliam, praying to be divorced from her husband, Thomas Pulliam.

9. Mr. Cofer presented the petition of sundry citizens of Hardin county, praying a change in the place of voting in an election precinct in the said county.

10. Mr. Vance presented the petition of David Matthis, praying that certain taxes, which he alleges have been improperly paid by him, may be refunded.

11. Mr. Shanks presented the petition of sundry citizens of Lincoln county, praying the passage of a law allowing an additional Justice of the Peace to said county.

12. Also, a memoral of sundry citizens of Lincoln county, praying a change in the present laws authorizing the grant of licenses to tavern keepers, &c. to retail spirituous liquors.

13. Mr. H. H. Smith presented the remonstrance of sundry citizens of Livingston county, against the formation of a proposed new county, out of parts of said county, and parts of Union, Hopkins and Caldwell counties.

14. Mr. Bullock presented the petition of the Kentucky Historical Society, praying the passage of a law granting to said society certain public documents belonging to the State.

15. Mr. Hays presented the petition of Lois Smallwood, praying the passage of a law allowing her compensation for taking care of Eunice Smith, a lunatic.

16. Mr. Brent presented the petition of Thomas Sadler, praying to be divorced from his wife, Sarah Jane Sadler.

17. Also, the petition of Lucy McGuffin, praying to be divorced from her husband, Napoleon McGuffin.

18. Mr. Buckner presented the petition of James A. Whyte, praying to be released from the payment of forty shares of stock, subscribed by him to the Logan, Todd and Christian Turnpike Road Company.

19. Mr. Goodson presented the petition of Mary Bagby, praying a change in the State road leading from Colemansville to Covington.

Which petitions, memorial and remonstrances were received, the reading thereof dispensed with, and referred: the 1st, 2d, 3d, 5th, 7th, 8th, 16th and 17th to the committee on Religion; the 4th, 6th, 11th and 14th to the committee for Courts of Justice; the 9th to Messrs. Cofer, Vance and Gray; the 10th and 12th to the committee on Ways and Means; the 13th and 19th to the committee on Propositions and Grievances; the 15th to the committee on Claims; and the 18th to the committee on Internal Improvement.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to divorce Elizabeth Bartlett.

An act to change the name of Gilmore Wilcut to that of Gilmore Hay.

An act for the benefit of Telitha Jane Hix.

An act to change the time of holding the Lawrence County Court.

With an amendment to the last named bill.

A message was received from the Governor, by Mr. Harlan, Secretary of State: which is in the following words, viz:

Executive Department,
December 14, 1840.

Sir: I communicate to the House of Representatives, in compliance with its resolution of the 12th instant, a letter from the Governor of Virginia, relative to the demand by him, on the Executive of the State of New York, for the surrender of three fugitives from justice, which contains all the information called for by said resolution, now in possession of the Executive.

R. P. LETCHER.

Hon. Charles S. Morehead,
Speaker of the House of Representatives.

Executive Department,
November 12, 1840.

Sir:

I have had the honor already to transmit to your Excellency a copy of certain proceedings of the General Assembly of Virginia, in relation to the

refusal of the Governor of New York to surrender certain free negroes on the demand of the Executive of this State. These fugitives from justice were charged with having stolen, within the jurisdiction of Virginia, a slave, the property of a citizen of this State, and with having fled to the State of New York. By one of the resolutions of the General Assembly of this State, I am instructed "to open a correspondence with the Executive of each of the slaveholding States, requesting their co-operation in any necessary and proper measure of redress which Virginia may be forced to adopt." I forbore to address your Excellency on this subject, until I had again and again endeavored to induce the Executive of New York to retract a position which is deemed utterly untenable, and destructive of the clear, acknowledged constitutional rights of the other States. The final and deliberate purpose of the Governor of New York to adhere to so gross and dangerous a perversion of the federal constitution, having been at length announced to me, I have now no alternative, and in compliance with the resolution of the General Assembly, must invoke, on behalf of Virginia, and of every slaveholding State, the earnest and effectual consideration by your State, of a subject which so nearly and vitally affects our common interests.

The report and resolutions which have been communicated to your Excellency will apprise you of the general views entertained in reference to this controversy, by the last General Assembly of this State, and by the Governor of New York. Fortunately for the slaveholding States, the question involved has been so distinctly and emphatically settled by the plain terms of the federal constitution, that it is impossible for the ingenuity or the prejudices of the human mind to deny or evade our just demand, without doing manifest violence to that sacred instrument. The slaveholding States stand now precisely where they stood when the constitution was submitted by the convention of 1787, and ratified by all the States, claiming the same rights, and no more, which every State then readily conceded to us; and it seems to me that the question which has been forced on us by the refusal of the Governor of New York to abide by the constitution, is one on which we can have little to apprehend from the justice and patriotism even of the non-slaveholding States. It is not a question whether slavery ought originally to have been introduced, or should continue to exist in this country. If it were, many of the States whose policy on this subject differs from our own, could not fail to recollect their agency in introducing the present system of slavery, and the very recent periods at which some of them, particularly New York, have abolished it within their own borders. The question is, whether the constitution shall continue to afford to the slaveholding States, that protection which was expected by us, and designed by all the States. It is well known that, though most of the States held slaves at the period when our Union was formed, yet the subject of our slave population was the chief and most perplexing difficulty with the framers of the constitution. This was then, as it is now, one of those subjects where it is easier to feel than to reason, where misguided passion may meditate and accomplish more mischief than the judgment can redress, where the sacred names of philanthropy and religion may be invoked by demons to cover the blood-stain of their impious and cruel designs.

The federal constitution has been voluntarily ratified by each of the States, and its provisions, and all laws made in pursuance of them, are the supreme law of every State. This instrument, as a compact between the States, per-

mitted the importation of slaves from foreign countries for a specified time, and fixing the maximum rate of impost duties which could be levied on them by congress. That time expired in 1808, though the States had generally ceased to avail themselves of this stipulated right long before. Still the right was guaranteed to each of the original States by the letter of the constitution.

The second section of the first article of the federal constitution recognizes slaves as an element of taxation and representation. The second section of the fourth article contains but three provisions, which are as follow:

"1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

"2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

"3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

Here the right of the master to his slave, as property, is distinctly recognized, not only in the State where the slave "is held to service or labor," but for the purpose of reclaiming and recovering him, in any other State to which the slave may escape. The federal constitution does most distinctly and unequivocally recognize the existence of slavery in the United States; and congress, by their act of February 1793, have provided specific means for the security of the master's rights throughout the States.

The Governor of New York has refused to surrender these fugitives from justice on the demand of Virginia, because they are charged with having stolen a slave, and because slavery is not now recognized by the laws of New York. With the same propriety, and for the stronger reason, he might, and no doubt would (if the case had been left by the act of congress within the sphere of his official discretion,) refuse to permit a fugitive slave to be recovered by his master within the jurisdiction of New York. In fact, the principles assumed by the Governor of New York in this case, would lead to the subversion of the federal compact, and leave each State in its intercourse with the others, at perfect liberty to prescribe for itself and its co-States any rule which its caprice or prejudice might dictate. If the federal constitution has ceased to be the supreme law in so essential a particular, our domestic institutions and our property are exposed to perils against which we have no adequate legal defence, either as it regards the incursions of the States or of the Federal Government. The construction which absolves one State, or any department of the Federal or State government from its obligation to obey the constitution, necessarily absolves all other States and all other departments. The State and Federal Judiciary of New York, its Senators and Representatives in Congress, the Judiciary, the Representatives, the Executives of other States, are no more bound to obey the constitution, than is the Governor of New York. If the State of Virginia has no right to demand the surrender of a fugitive who has stolen a slave here, and sought refuge in the State of New York, because slavery is not recognized by the laws of New York, the owner of a slave can have no right to recover his property there, and the slaveholding States are exposed

to all the burdens of our federal compact, without deriving any equivalent benefit, to all the dangers of a delusive alliance, without the means of self-protection which have been surrendered for its sake. It is in vain for us to be told that the State of New York is prepared to acknowledge our perfect right of property in our lands and chattels, and that the thief who steals a hat or pair of shoes will be surrendered to answer the criminal accusation under our laws, while he who steals or spirits away our slaves, shall be permitted to do so with impunity, under the protection of that State.

The question which lies at the foundation of all the social relations between the States, is not, what measure of justice may be vouchsafed to us by the arbitrary pleasure of any State, but whether the rights and the remedies secured by our compact of union, and prescribed on the paramount authority of all the States, shall continue to prevail.

It cannot be maintained that the constitutional rights of the slaveholding States have not been recognized by the laws of New York. They are necessarily recognized by each State of the Union, so long as the federal constitution continues to be "the supreme law of the land." If the Governor of New York admits that instrument to be valid and binding on the citizens and officers of his State, he cannot deny that the right of Virginia to make this demand is perfect, although the fugitives are charged with stealing a slave. He must succeed in establishing the authority of his State as paramount to the constitution of the United States, or he must admit that a law which the citizens of that State have ratified in convention as their supreme law, and which he and every other State officer has sworn to support as such, does recognize slavery, so far at least as to give to this State the right to demand the surrender of a fugitive charged with stealing a slave. And this is the whole extent of our controversy; for Virginia has not attempted to prescribe any new rule or social relation to New York, nor to interfere in any manner with those which she may have prescribed for herself. It is insisted that the federal constitution has conferred on Virginia the right to make this demand, and imposed on New York the obligation to comply with it, and it remains to be seen whether that State can occupy the position in which she is involved by the course of her chief magistrate, whether as a member of the Union, she shall participate in its blessings without sharing its responsibilities and its burdens.

Virginia is not without ample means of redress for all the wrongs which may be anticipated. She does not appeal to the States possessing a common interest on this subject with herself, from any distrust of her cause, or from any wish to involve others in controversy on her account. She desires to shrink from no peril which threatens her alone, nor to avoid her just share of that which endangers the rights of any member of the Union. If it had been her object merely to vindicate her own rights, she could have done so by precipitating this question to extremes, without consultation with her co-States. Had she followed the example of the chief magistrate of N. York, and disregarded all constitutional obligations on this subject, she would have had no doubt of the sympathies, though she might not have deserved the succour, of those to whom she now appeals. But the constitution of the United States and the incalculable benefits of our union are too dear to every Virginian to be abandoned while there remains a hope of their preservation; and it has been deemed respectful to those States which are exposed to the same dangers, and which claim the same rights as ourselves

to submit our controversy to their calm reflection, that they may advise us if we have mistaken their constitutional rights and our own, or aid us by their counsel and co-operation in our effort to re-establish the just and constitutional relations of the States.

It may be asked, by what means shall this be effected, and why has Virginia asked you to "co-operate in any necessary and proper measure of redress which she may be forced to adopt," without indicating the character of the measures which are contemplated? It is because Virginia does not regard this question as her own, but as involving principles of the utmost consequence to all the States, that she desires to confer with her sister States as to the mode and measure of redress, instead of committing herself and them by action, the necessity of which she is anxious, if possible, altogether to avert. She desires to be assured by your authority that she has not mistaken her own rights and yours, and to obtain the benefit of your agency in effectually vindicating them.

It may be asked, why this appeal is made only to the slaveholding States. It is answered, that unless there were a necessity to invite the non-slaveholding States to meet us in convention, as co-arbiters of this controversy, it would be needless to ask their counsel or co-operation in regard to a subject on which they may be supposed to feel no other than a general interest as members of the Union. The expectation is still confidently indulged, that reason alone will be found adequate to re-establish the principles and letter of the constitution in this essential particular, and we cannot with propriety ask that those who have no immediate interest in the question, should furnish arguments for us who have. Virginia has forborne to invite the co-operation of the non-slaveholding States, from no want of confidence in their devotion to the Union, and to the principles of mutual and just concession in which it has been founded. While she could not fail to be gratified by the voluntary sanction of their judgment in favor of our rights under the constitution, she has not desired to embarrass them, nor to commit herself by an appeal to their authority. Besides, this is a question on which all the States have continued from 1787 to the present time, to concur in the conclusions established by the constitution and maintained by Virginia, and it might be deemed disrespectful to presume that any State, even New York herself, would sanction the dangerous fallacies of Governor SEWARD. But two instances are remembered in which executive officers of the States have hesitated to comply with the requisitions of the act of congress, where the peculiar interests of the southern States were involved, while it is a source of much satisfaction to know, that as yet, no State has deliberately sustained their heresies. The Legislature of Virginia have therefore deemed it sufficient to lay this general subject before the non-slaveholding States, without inviting their immediate co-operation. I have accordingly communicated the proceedings of our General Assembly to all the States.

I am not instructed by the Legislature to suggest any specific line of policy as likely to be adopted by this State, or to be recommended to you. Common interests and common dangers require that there should be mutual confidence and concert between us. Should the State of New York, or any other State, persist in this arbitrary denial of our rights, you are apprized by the resolutions of our Legislature, that the State of Virginia does not intend to submit to so dangerous and palpable a violation of our compact. We desire to know whether those States which, like ourselves, have peculiar

interests involved in this question, concur in our convictions of right, and in our resolution to maintain them.

There is no difficulty in finding means for our defence. The difficulty is, in being convinced that any portion of our countrymen will drive us to resort to them. There can be no more auspicious occasion than the present, for the slaveholding States to demand an explicit understanding as to their constitutional rights, and to terminate forever the experiments which mischievous spirits have been allowed to make on our property and our peace. If there is any question connected with southern interests which can be met with calmness and composure, with solemn deference for the established principles of abstract justice and constitutional law, by the whole American people, it is surely this. If the appalling dangers and glorious triumphs of which our Union has been the witness, can inspire no reverence for the past, will the sacred names of justice, fidelity, patriotism and religion, avail nothing for the future? Has the maniac yell of fanaticism silenced all these? If it be so, it is time that the painful truth were known to all, and that we may no longer lean on a broken reed, which will only pierce our sides.

I have been encouraged, however, to hope for a more cheering result. I have thought that this question was destined to arrest the serious attention of the States, and to revive the feelings and reflections which gave rise to our happy form of union, to remind us of the sacrifices and concessions which established our national independence and prosperity, and to teach our countrymen that there is danger of losing the substance of the liberties now enjoyed, by grasping at the shadow of universal emancipation. If I am mistaken in this, Virginia may still derive some consolation from the reflection, that the danger was one which she did not seek, and could not shun.

The Legislature of New York, it is believed, have not concurred in the views of her Executive, and though the subject was submitted to them at their last session, they failed to express any opinion directly on the subject of this controversy. I should infer nothing unfavorable from this, but for the passage of an act by that body, after this subject was before them, giving, or designing to give, the right of trial by jury, to slaves arrested in that State on the claim of their owners, and imposing very serious obstacles to the recovery of this species of property, and very severe penalties on the unsuccessful assertion of the master's rights. A similar statute of that State, it is believed, has been heretofore annulled by the State Judiciary, as contravening the federal constitution, and the act of Congress of 1793.

The adoption of retaliatory measures by the slaveholding States, if this denial of our rights is persevered in, would probably arrest the evil, and lead to a speedy adjustment of these questions. But as too early a resort to such means might probably preclude a dispassionate recognition of our rights, and as we cannot distrust the justice of our demands, and ought not to anticipate a want of fidelity in our countrymen to a constitution, which they like ourselves have sealed with their blood, and sanctioned by their oaths, Virginia is reluctant to follow the example of the Governor of New York, and consider our federal compact at an end. It remains to be seen whether the expression of one common feeling and one resolution on the part of the slaveholding States, will hereafter prevent some such necessity. It is very evident that the single infraction of the constitution which has occurred in this instance, if not redressed, may lead to the total subversion of those amicable and intimate relations which that instrument was designed to establish be-

tween the States, and that in their intercourse with each other they will be exposed, under the construction of Governor Seward, to all the inconveniences and all the dangers to which foreign and hostile nations are subject.

I have the honor, sir, to request that your Excellency will bring this subject to the consideration of the Legislature of your State, and to offer the assurance of the distinguished esteem, &c.

With which I am, your obedient servant,

THOMAS W. GILMER.

To His Excellency,
the Governor of Kentucky.

Ordered, That said message, and document accompanying the same, be referred to the committee for Courts of Justice; and that the Public Printer forthwith print 150 copies of said document, for the use of the members of the General Assembly.

The Speaker laid before the House the annual report of the Kentucky and Louisville Mutual Insurance Company; which is in the following words:

"*The Kentucky and Louisville Mutual Insurance Company.*"—*Report of the condition, progress, and Affairs of said Company, up to the 2d of December*, 1840, *inclusive, viz:*

Amount insured, 159 policies,	$579,000 00
Amount of Premium Notes,	30,175 00
Deduct amount of Premium Notes discharged by transfer of property, and otherwise,	960 00
	$29,215 00
Amount received on Premium Notes,	$5,436 44
Do, do. for 159 policies,	159 00
	$5,595 44
Paid this amount, expense account,	3,050 39½
Do. do. for loss,	2,500 00
Amount of cash, balance,	45 04½
	$5,595 44

BALANCES.

	Dr.
To Bills receivable,	$23,778 56
To cash,	45 04½
To expense account,	3,050 39½
To loss account,	2,500 00
	$29.374 00

	Cr.
By premium account, - - - - -	$29,215 00
By policy, - - - - - - -	159 00
	$29,374 00

At a meeting of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, at their office, in the city of Louisville, on the 10th day of December, 1840, the President of this Company submitted to the Board a statement of the condition, progress, and affairs of this Company; which, after being read, examined, and approved by the Board, was adopted, and the President is directed to furnish a copy of the same to the General Assembly, agreeably to the requisition of the 22d section of the charter of this Company.

OFFICE OF THE KY. AND LOUISVILLE MUTUAL INSURANCE CO.
Louisville, December 11, 1840.

SIR:

In obedience to the requisition of the 22d section of the charter of this Company, and the order of the Board, I herewith transmit to you, the foregoing report of the condition, progress and affairs of this Company, from the commencement of their business, up to, and including the 2d instant; and request that you will lay the same before the House of Representatives, over which you have the honor of presiding.

I have the honor to be,
Very respectfully, &c.
JOHN W. TYLER, *President.*

To the Hon. the Speaker of the
House of Representatives of the
Commonwealth of Kentucky, Frankfort.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill to repeal the law of 1833, prohibiting the importation of slaves, and for other purposes—reported the same with amendments, which are as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That "an act to amend the law prohibiting the importation of slaves into this State, approved February 2d, 1833," and all laws, and parts of laws, which at any time heretofore have been in force in this Commonwealth, regulating or prohibiting the introduction of slaves into this State, be, and they are hereby repealed.

SEC. 2. That each and every person or persons, who shall hereafter directly or indirectly, bring or cause to be brought, or introduced into this State, any slave or slaves, as an article of merchandise, with the view or intention, either directly or indirectly, to sell or cause to be sold, all or any one or more of said slaves, within the limits of this Commonwealth, to any person or persons whomsoever, shall forfeit and pay the sum of six hundred dollars, for each and every slave so as aforesaid introduced or brought into this Commonwealth, and either absolutely or conditionally contracted for or sold

"within its limits, to any person or persons whomsoever;" which said penalty may be recovered by indictment of the grand jury, or by action of debt, in the name of the Commonwealth of Kentucky, in the circuit court of any county where the offender shall be found; and when recovered, shall be paid, one half to the informer, and the other half in aid of the Sinking Fund.

Sec. 3. That any person or persons, being a citizen of this State, or residing therein, who shall, within the limits thereof, either absolutely or conditionally, by himself or themselves, or by any other person or persons, as his or their agent or agents, buy, or contract for the purchase of, any slave or slaves, knowing said slave or slaves to have been brought or introduced into this State, contrary to the provisions of the second section of this act, shall be taken and considered as having violated the said second section, and shall be subject to the penalty therein mentioned; which penalty shall be recovered and disposed of, as therein specified.

Sec. 4. That any person or persons who, under color of being an emigrant to this from any other State, or under color of any other excuse or device whatever, shall bring or introduce, and sell, in this State, any slave or slaves, contrary to the true intent and meaning of the second section of this act; or any person or persons, citizens or residents of this State, who shall buy any slave or slaves, knowing the same to have been introduced into this State in contravention of the true intent and meaning of this act, shall be taken and considered as having violated the second and third sections thereof, and shall be subject to the penalty mentioned in the said second section; which shall be recovered and disposed of as in the said second section of this act specified.

Sec. 5. That all or any emigrant or emigrants to this State, and all and every citizen or citizens thereof, and all and any resident or residents therein, and all or any other person or persons whomsoever, shall have full right and power to introduce or bring into this State any slave or slaves, for his, her, or their own use, or for any purpose, or in any way not contrary to the true intent and meaning of this act, or of the constitution and laws of the United States, or of the State of Kentucky.

Sec. 6. That it shall be the duty of each Circuit Judge in this State to give this act in charge to the Grand Jury at every term of their several Circuit Courts.

Sec. 7. That any action or prosecution which may be brought for any violation of any of the provisions of this act, shall be commenced at any time within five years from the commission of the offence or the accrual of the cause of action, and not after.

Amendments by the Committee for Courts of Justice.

Amend the third section, by striking out in the 6th and 7th lines the words "*shall be taken and considered as having violated the said secnod section*"—and insert, "*shall be subject to the penalty imposed by the second section of this bill, upon persons who may introduce slaves into this Commonwealth as merchandise.*"

Amend the fourth section, by striking out in the 7th and 8th lines, the words, "*shall be taken and considered as having violated the second and third sections thereof, and*"

Add to the bill, to come in between the sixth and seventh sections, two sections, as follows:

SEC. 7. *Be it further enacted*, That if any person, other than a *bona fide* emigrant to this State, shall sell any slave which shall hereafter be brought into this State within three years next after the said slave shall have been brought into this State, it shall be conclusive evidence that said slave was brought into this State as merchandise, and the person so selling shall be liable to the penalties imposed by the second section of this act.

SEC. 8. *Be it further enacted*, That every person who shall pass into this State with any slave or slaves, with a view to sell said slave or slaves in any other place than this State, the slaves so introduced, every person so offending shall forfeit and pay for every slave so attempted to be taken or carried through this State, at the discretion of a jury, any sum not less than five hundred dollars, nor more than one thousand dollars, to be recovered by action of debt, or indictment, in the proper court, in the name of the Commonwealth of Kentucky, one half for the use of any person who may sue for the same, and the other, for the use of the Commonwealth of Kentucky, to be applied in aid of the Sinking Fund.

Mr. Sprigg moved to lay said bill and amendments on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haggard and Sprigg, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Forman,	Park,
Botts,	Gray,	Raymon,
Brent,	Lair,	Rowlett,
Bullock,	Marshall, C. A.	Rudd,
Chenault,	Marshall, W. C.	Shuck,
Combs,	Mason,	Sprigg,
Craddock,	Miller,	Taylor,
Curle,	Morgan,	Trussell,
Davidson,	Newell,	Vance—28.
Ford,		

Those who voted in the negative were—

Mr. Speaker,	Harrison,	Shanks,
Messrs. Atkinson,	Hart,	Shaw,
Brien,	Hawkins,	Smith, B.
Bruton,	Haydon,	Smith, H. H.
Buckner,	Hays,	Snyder,
Bush,	Hazlerigg,	South,
Caldwell,	Howard,	Speed,
Calhoon,	Imboden,	Stevens, J.
Chilton,	Innis,	Stephens, N. B.
Clay,	Johnson,	Stockton,
Cofer,	Kirtley,	Thomas,

Crenshaw,	Lackey,	Thomasson,
Cunningham,	Latimer,	Towles,
Curd,	Loving,	Triplett,
Fletcher,	Marshall, W. N.	Wakefield,
Gabbert,	McHenry,	Waring,
Goble,	Mitchell,	Watkins,
Goodson,	Nance,	Watts,
Graham,	Paris,	Williams,
Haggard,	Perciful,	Woodson,
Harding,	Reeves,	Wortham—56.
Hardin,	Riffe,	

Mr. Clay then moved a substitute for the bill and amendments.

On motion of Mr. Calhoon,

Ordered, That said bill, amendments and substitute, be postponed to, and made the special order of the day for Tuesday, the 22d instant; and that the Public Printer forthwith print 150 copies of said bill, amendments and substitute, for the use of the members of the General Assembly.

Mr. Ford, from the committee on Religion, to whom was referred the petition of Polly Ridgway—reported the same with the following resolution:

Resolved, That said petition is unreasonable.

Mr. Perciful moved to amend said resolution, by striking out the word "unreasonable," and inserting the word "reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Ford, from the same committee, to whom was referred the petition of Nancy Freeman—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Wortham moved to amend said resolution, by striking out the word "unreasonable," and inserting the word "reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill allowing turnpike tollage to witnesses.

By the committee on Religion—2. A bill to divorce Charles Butts.

By same—3. A bill to divorce Burilla W. Littleton from her husband, Joseph D. Littleton.

By the committee on Ways and Means—4. A bill for the benefit of the Clerk of the Graves County Court.

By Mr. Fletcher—5. A bill to authorize limited partnerships.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the 1st, 2d, 3d and 4th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Howard—1. A bill to authorize the administrator of the estate of David Matthews, deceased, to sell the land of said decedent, to pay the debts.

On the motion of Mr. McHenry—2. A bill for the benefit of James E. Stone, Clerk of Hancock county, and for other purposes.

On the motion of Mr. Hart—3. A bill to appropriate the Seminary funds of Pendleton county to the aid of Common Schools in said county, and for other purposes.

On the motion of Mr. Snyder—4. A bill to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st; the committee on Ways and Means the 2d; the committee on Education the 3d; and Messrs. Snyder, B. Smith and Crenshaw the 4th.

Mr. Thomasson moved the following resolution, viz:

Resolved, That it shall be the duty of the committee on Banks, to visit the cities of Louisville and Lexington, and personally examine the officers and Banks, touching the several subjects entrusted to them.

On motion of Mr. Calhoon,

Ordered, That the further consideration of said resolution be postponed for the present.

The Speaker laid before the House the annual report of the First Auditor of Public Accounts.

[*For the report, see Legislative Documents, page* 219.]

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the General Assembly.

Engrossed bills of the following titles, were read the third time, viz:

1. An act regulating proceedings before Justices of the Peace.

2. An act to authorize the Clerk of the Grant County Court to record certain deeds, &c. in his office, which were not recorded at the death of the late Clerk.

Resolved, That said bills do pass, and that the title of the first be as aforesaid, and the title of the second be amended to read as follows:

An act to amend the several laws of this Commonwealth, relative to the duties of the Clerks of Courts.

Bills of the following titles, viz:

1. A bill to shorten the terms of the Cumberland Circuit Court, and to change the terms of the Monroe Circuit Court.

2. A bill to continue in force an act establishing the office of Second Auditor, and for other purposes.

Were ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the first bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to amend an act, entitled, an act to divide the State into congressional districts—was read a second time.

Ordered, That said bill be engrossed and read a third time.

The House then took up for consideration the resolution for a recess of the General Assembly.

Ordered, That said resolution be laid on the table for the present.

And then the House adjourned.

TUESDAY, DECEMBER 15, 1840.

1. Mr. Bullock presented the petition of the Pilots of the Ohio and Mississippi rivers, praying the passage of an act incorporating the Louisville Pilots' Benevolent Society.

2. Mr. Cunningham presented the petition of the Justices of the Bourbon County Court, praying the passage of a law authorizing them to sell the lands upon which the poor house of said county is erected.

Which petitions were received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill and a resolution, which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act allowing the Surveyor of Caldwell county further time to renew his official bond.

A resolution fixing a day for the election of a Senator in Congress.

Also, enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Isaac M. Belveal.

An act to divorce Elizabeth Bartlett.

An act to change the name of Gilmore Wilcut to that of Gilmore Hay.

An act for the benefit of Telitha Jane Hix.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred the petition of the heirs of J. C. Butler—reported the same with the following resolution, viz:

Resolved, That said petition be rejected; which, being twice read, was concurred in.

The committee on Religion, to whom was referred the petition of Eliza Boswell, for a divorce—reported the same with the following resolution:

Resolved, That the said petition is unreasonable.

Mr. Rudd moved to amend said resolution, by striking out the word "unreasonable," and inserting "reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance therewith.

The same committee, to whom was referred the petition of Nancy Shelton, for a divorce—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. H. H. Smith moved to amend said resolution, by striking out the word "unreasonable," and inserting "reasonable.

And the question being taken thereon it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance therewith.

Mr. Bullock, from the committee on Internal Improvement, asked leave to be discharged from the further consideration of the memorial of Horatio Catlett; which was granted.

Ordered, That said memorial be referred to a select committee, consisting of Messrs. Goble, Waring, Hazlerigg, Morgan, Botts and Lackey.

On motion of Mr. Bush,

Ordered, That Mr. Hart be added to the committee on Military Affairs.

The amendments proposed by the Senate to a bill from this House, entitled, an act to change the time of holding the Lawrence County Court—were twice read, and concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill to allow an additional Justice of the Peace to Caldwell county, and for other purposes.

By the committee for Courts of Justice—2. A bill to amend the several acts relative to proceedings upon appeals from the judgments of Justices of the Peace.

By same—3. A bill providing for a change of venue in two prosecutions now pending against Edward Parks.

By same—4. A bill to repeal an act, entitled, an act requiring annual examinations of the Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

By same—5. A bill to change the time of holding the Oldham Circuit Court.

By same—6. A bill allowing an additional Constable to Warren county.

By the committee on Religion—7. A bill to divorce Polly Ridgway.

By same—8. A bill to divorce Nancy Freeman.

By same—9. A bill for the benefit of James P. Howard.

By same—10. A bill for the benefit of Jesse Hines.

By the committee on Internal Improvement—11. A bill authorizing Reuben Collings and George W. Brewer to build a mill dam on Salt river.

By same—12. A bill authorizing Nicholas Porter to build a mill dam on Salt river.

By same—13. A bill to establish the road leading from Hopkinsville to Clarksville, Tennessee, as a State road.

By Mr. Brien—14. A bill to allow an additional Constable to Calloway county.

By Mr. Wortham—15. A bill to alter the mode of comparing the polls in the election of certain officers.

By Mr. A. Harding—16. A bill for the benefit of the estate of John Robbins, deceased.

By Mr. Snyder—17. A bill to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 6th February, 1838.

By Mr. Vance—18. A bill to establish an election precinct in the county of Jefferson.

By Mr. Craddock—19. A bill to incorporate the Munfordsville Bridge Company.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 6th, 7th, 8th, 9th, 10th, 13th, 14th, 15th, 16th, 17th and 18th bills having been dispensed with, the 1st, 6th, 7th, 8th, 9th, 10th, 13th, 14th, 16th, 17th and 18th bills were severally ordered to be engrossed and read a third time; and the 15th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 6th, 7th, 8th, 9th, 10th, 13th, 14th, 16th, 17th and 18th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 15th bill for the use of the members of the General Assembly.

Mr. Haggard moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to enquire into the propriety and expediency of reporting a bill, requiring the different Banks to resume specie payments in this Commonwealth.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Graham—1. A bill authorizing the Bullitt County Court to sell and convey a lot (or lots) of ground in the town of Shepherdsville.

On the motion of Mr. Haggard—2. A bill for the benefit of C. H. Saufly, of the town of Burksville, and for other purposes.

On the motion of Mr. Innes—3. A bill to ascertain, accurately, the criminal statistics of this Commonwealth.

On the motion of Mr. Hays—4. A bill to amend an act, approved February 13, 1840, to explain and enforce an act regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834.

On the motion of Mr. Shaw—5. A bill authorizing the County Court of Hickman county to increase the width of certain public roads in said county.

On the motion of same—6. A bill to allow the County Court of Hickman to hold a court in each month in the year.

Ordered, That Messrs. Graham, J. P. Hardin and Hays prepare and bring in the 1st; the committee for Courts of Justice the 2d and 4th; Messrs. Innes, W. C. Marshall and Raymon the 3d; Messrs. Shaw, Wortham, Watts and Brien the 5th; and Messrs. Shaw, Ford, Brien and J. Stevens the 6th.

Mr. Towles moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of investing the several Circuit Courts of this Commonwealth with the authority to grant changes of venue in cases of felony, upon a proper case made out; and that (if in their opinion it be expedient) they report a bill for that purpose.

Which being twice read, was adopted.

Mr. Bullock, from the select committee to whom was referred so much of the Governor's message as relates to the establishment of a Bank of the U. States, and the distribution of the public lands, read and laid on the table the following preamble and resolutions:

The select committee, to whom was referred so much of the Governor's message as refers to the establishment of a Bank of the United States, and the action of the General Assembly in relation thereto, and the distribution of the proceeds of the sales of the Public Lands, have had the same under consideration, and beg leave to report:

That while they are sensible of the practical importance of that principle which forbids the unnecessary interference of State Legislatures with the

concerns of the National Government, they believe that the crisis has arrived, when a solemn duty to our constituents requires of the General Assembly the most unequivocal expression of sentiment on these important subjects.

The regulation by law of the currency of the country, giving to it all the elements of uniformity, soundness and stability, and the just distribution of the proceeds of the Public Lands, are questions deeply interesting to the people of Kentucky.

That the Congress of the United States possesses the power, under the constitution, to establish a National Bank, has been long settled by the concurrent authority of every department of the government, and has been repeatedly sanctioned by the people themselves. The system of State Banks, by which it was promised a sound circulating medium would be furnished, and the exchanges of the country regulated, so as to subserve the commercial wants and interests of the people, has signally failed; and the scheme of substituting a currency purely metallic, is still more delusive, and if practible, would be equally fatal to all our agricultural, manufacturing and commercial interests.

Congress not only possesses the power to charter a Bank, but in the present deranged condition of the monetary affairs of the country, the prompt and faithful exercise of this power is demanded by public sentiment, and sanctioned by every motive of patriotism and of duty.

The disposition of the proceeds of the sales of the Public Lands is also a subject of deep and general concern to the people of Kentucky.

The history of the acquisition of the public domain of the United States, clearly shows that it is the common property of the States, and should be used for their common interest and benefit. It is simply this:

That portion which lies within the boundaries of the United States and their territories, as defined by the definitive treaty of peace with Great Britain, in 1783, was purchased with the common treasure of the country, and the best blood of the land. And it is but justice to add, that no portion of the country contributed more to this great object, than did the hardy pioneers of the west. Besides the lands thus acquired, an immense territory has been ceded to the United States, by a number of the old thirteen States, who had claims to lands lying north of the Ohio, east of the Mississippi, and south of the Lakes. These claims were ceded to the United States as "a common fund for the use and benefit of all the States," and should "be faithfully and *bona fide* disposed of for that purpose, and for no other use and purpose whatsoever." The lands which have been subsequently acquired, either by purchase from a foreign government, or from one of the States of the Union, or by the extinguishment of the Indian titles, have been paid for with the blood and treasure of all the people of the States.

If the title to the Public Lands is thus derived, where is the justice of ceding them to the new States? What peculiar claims have they to the bounty of the General Government? By a solemn compact upon entering the Union, each and every one of them have stipulated that the United States shall own and have the authority to sell the Public Lands. They have all ratified and accepted this article, and it has become a fundamental part of their constitutions. Besides, it will be recollected, that in the compacts made with the government of the United States, they have obtained already one sixteenth part for schools, and five per centum upon the sales of the re-

sidue for roads and canals. All such participation in the munificence of the Government has been denied to Kentucky. No State has contributed more, by the valor and the enterprize of her sons, to the acquisition and defence of this immense territory. Shall she be required tamely to surrender her rights thus acquired, and thus fortified by the principles of justice? In asserting her claims to a distributive portion of this common fund, she is but contending for what, of right, equally belongs to every other State in the Union.

The public debt, for the payment of which these lands were pledged, has long since been fully discharged. And now the important question is presented, what disposition shall be made hereafter, of the immense revenue to be derived from the sales of the Public Lands? Shall it be appropriated to the purposes of the General Government, or distributed among the States according to federal population?

To appreciate the importance of this great question, we must estimate the almost boundless extent, and calculate the exhaustless resources of our common country. If we look back to our unprecedented growth in population and in wealth, and judge of the future by the past, it becomes a question of the most serious import, and is eminently calculated to awaken the deepest interest. In 1800, the population of the United States was estimated at about four millions. It is now nearly fifteen millions. It has been estimated on very correct data, that within the last forty years, more than "one hundred and fifty millions of acres of land have been taken up and appropriated to the use of the husbandman." If this be the basis of the calculation, it has been estimated that in a like period of time, more than five hundred and forty millions of acres will pass into the hands of purchasers; the average amount being about fifteen millions per year. From the same authority we learn the additional fact, "that the average receipts from the sales of public lands for the next ten years, if the country continue in peace, if the land system be faithfully preserved, and if the sales be guarded from combination and fraud, will average something more than $10,000,000 per annum."

The intrinsic importance of this question to the people of Kentucky is rendered still more clear by reference to the fact, that, according to the report of the Secretary of the Treasury, she would have received, under the bill, entitled, "an act to appropriate for a limited time, the proceeds of the sales of the Public Lands of the United States, and for granting lands to certain States," up to the 30th of September, 1838, the sum of $2,654,502.

By a provision of the constitution of the United States, the right of laying imposts upon commerce for the purposes of revenue belongs exclusively to the General Government. This mode of raising a revenue, if wisely adjusted and faithfully administered, is amply sufficient for an economical administration of the Government. It is believed, therefore, that the proceeds of the sales of the Public Lands are not required as a source of ordinary revenue. Besides the injustice to the States, a due regard to the purity and efficiency of the Federal Government forbids such excessive accumulation in the Treasury of the nation.

To the States, however, the easy and indirect mode of levying imposts, for the purposes of revenue, is expressly denied, and they are compelled to resort to the more onerous and oppressive system of direct taxation. And in most of the States, the people are now laboring under the heaviest exac-

tions, growing out of the prosecution of their works of Internal Improvement. In many instances, they have been induced to embark in such works by the delusive prospects held out to them by the General Government. A wise and just policy, therefore, requires that this fund should not longer be withheld.

It should, however, be distinctly understood, that Kentucky relies upon the justice of her claim. She does not feel that such an appropriation of this fund will be a gift gratuitously given, nor will it be submissively received—wherefore,

1. *Be it resolved*, That the General Assembly of the State of Kentucky deem a Bank of the United States, so constituted and organized as to secure to the nation the maintenance of a sound, wholesome and convenient currency, indispensable to the prosperity of the country; and that the nation cannot dispense with such a Bank, without a certain prospect of private and public distress.

2. *Be it further resolved*, That the Public Lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States; and therefore the Congress of the United States ought not to cede such lands to such States, or any of them, or to appropriate such lands for any purpose whatever, but in behalf and for the benefit of the people of all the States.

3. *Resolved further*, That in the opinion of this General Assembly, public policy requires, and the interests of the people will be greatly promoted by, a just and equitable distribution of the proceeds of the sales of the Public Lands, to the States respectively, according to federal population.

4. *Resolved*, That copies of the foregoing resolutions be forwarded by the Governor to each of our Senators and Representatives in the Congress of the United States, with a request that they will lay the same before each branch ef the National Legislature.

Ordered, That the Public Printer forthwith print 150 copies of said preamble and resolutions, for the use of the members of the Ceneral Assembly.

Mr. Cofer moved the following resolution, viz:

Resolved, That the committee on Religion, in all cases where they report bills for divorce, are hereby instructed to report them with the following proviso: *Provided*, This act shall not take effect until the said ——— shall pay to the Clerk of his county, one dollar for each hundred dollars said ——— is worth, as exhibited by the Commissioner's books in his office, taking said Clerk's receipt for the same; which sum, so collected, shall be in aid of the Sinking Fund.

After some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

An engrossed bill, entitled, an act to continue in force an act establishing the office of Second Auditor, and for other purposes—was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the joint resolution proposed by Mr. Davidson, be postponed to, and made the special order of the day for Friday next.

Mr. Sprigg moved the following resolutions, viz:

Resolved, That the President and Directors of the Branch of the Bank of Kentucky, seated in Frankfort, shall cause to be made out a complete report of all the moneys deposited in said Branch Bank by the Treasurer of this State, and of all the moneys deposited in said Branch Bank by the Commissioners of the Sinking Fund, or by the Secretary of the said Commissioners. It is hereby required that the reports herein demanded, shall set forth the several sums of money deposited with said Branch Bank, and the times when such deposits were made; and shall also set forth when and by whose draft the moneys so deposited were drawn from the said Branch Bank.

Resolved, That the officers of the said Branch Bank shall also report to this House, the several sums of money which, by the Treasurer of this Commonwealth, have been borrowed from the said Branch Bank, and when the same moneys were borrowed, and what money, if any, is now due from this Commonwealth to the said Bank.

Which being twice read, were adopted.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had signed and approved sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Telitha Jane Hix.

An act for the benefit of Isaac M. Belveal.

An act to change the name of Gilmore Wilcut to that of Gilmore Hay.

An act to divorce Elizabeth Bartlett.

Approved December 15, 1840.

And then the House adjourned.

WEDNESDAY, DECEMBER 16, 1840.

A message was received from the Senate, announcing that they had concurred in the adoption of a resolution from this House, entitled,

A resolution to examine Transylvania University and the Lunatic Asylum.

That they had passed bills of the following titles, viz:

An act to run and mark the dividing line between Franklin and Scott counties.

An act to amend an act, entitled, an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles.

An act concerning the record books of the County and Circuit Courts of Madison.

And had received official information from the Governor, that he had approved and signed an enrolled bill and a resolution which originated in the Senate, of the following titles, viz:

An act allowing the Surveyor of Caldwell county further time to renew his official bond.

A resolution fixing a day for the election of a Senator in Congress.

1. Mr. Snyder presented the petition of Patuna Taylor, praying permission to sell a tract of land granted to her by an act of the Legislature.

2. Mr. Calhoon presented the petition of the administrator, widow and heirs of James Haggin, deceased, praying the passage of a law directing the sale of the real estate to pay the debts of the decedent.

3. Mr. Newell presented the petition of the heirs of John Hutchinson, deceased, praying for the sale of a tract of land.

4. Mr. Clay presented the petition of Thomas B. Megowan, praying that a sum of money expended by him in reclaiming a prisoner who had escaped from the jail of Fayette county, may be refunded to him.

5. Mr. W. C. Marshall presented the petition of sundry citizens of Bracken county, praying for an additional Justice of the Peace to said county.

6. Mr. Latimer presented the petition of the widow and heirs of Abraham Rouse, deceased, praying for the sale of a negro woman belonging to said estate.

Which were received, the reading thereof dispensed with, and referred: the 1st to Messrs. Snyder, B. Smith and A. Harding; the 2d, 3d and 6th to the committee for Courts of Justice; the 4th to Messrs. Clay, Reeves and Towles; and the 5th to the committee on Propositions and Grievances.

On motion of Mr. Calhoon,

Ordered, That the committee for Courts of Justice be discharged from the further consideration of leave to bring in a bill to change the time of the sitting of the Court of Appeals.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill to amend an act reserving certain property from execution, and for other purposes—reported the same with an amendment as a substitute for the original bill; which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The committee for Courts of Justice, to whom was referred the petition of the Kentucky Historical Society; the petition of Thomas D. Davis; the petition of the widow and heirs of James B. Slaughter, deceased; and the petition of Thomas S. Burton—reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which, being twice read, was concurred in.

A message was received from the Governor, by Mr. Harlan, Secretary of State: which is in the following words, viz:

EXECUTIVE DEPARTMENT,
December 16, 1840.

Gentlemen of the Senate and House of Representatives:

I have received from the Governor of Vermont, a communication enclosing joint resolutions relating to a proposed amendment of the Constitution of the United States, requesting that they should be laid before the Legislature of Kentucky. The papers are herewith transmitted.

R. P. LETCHER.

STATE OF VERMONT, EXECUTIVE DEPARTMENT,
Shoreham, November 10, 1840.

SIR:

In compliance with the request of the Senate and House of Representatives, I have the honor to forward to your address a copy of the accompanying resolutions.

With great respect, your obedient servant,

S. H. JENISON.

Governor of Kentucky.

STATE OF VERMONT.

IN GENERAL ASSEMBLY,
October 21, 1840.

Resolved, by the Senate and House of Representatives, That the Senators in Congress from this State be, and they are hereby instructed, and our Representatives in Congress be, and they are hereby requested to use their best endeavors to procure such an amendment to the Constitution of the United States as will restrict the eligibility of the President of the United States to a single term.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives from this State in the Congress of the United States; also to the Executive of each State in the Union, that the same may be laid before their several Legislatures, for their co-operation in procuring said amendment.

SECRETARY'S OFFICE,
Montpelier, October 30, 1840.

I certify the foregoing to be a true copy of resolutions passed by the Legislature of the State of Vermont, on the 21st day of October, Anno Domini, eighteen hundred and forty.

CHAUNCEY L. KNAPP, *Secretary of State.*

Ordered, That said message and documents be referred to the committee for Courts of Justice; and that the Public Printer forthwith print 150 copies of said message and documents, for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill allowing additional Justices of the Peace and a Constable to certain counties.

By same—2. A bill for the benefit of George H. Clements, and others.

By same—3. A bill for the benefit of the Trustees of the Baptist Church at Providence, and for other purposes.

By same—4. A bill for the benefit of Polly Starling, and others.

By same—5. A bill for the benefit of Joseph L., William A., and David H. M. Phillips.

By the committee on Religion—6. A bill to divorce Nancy Shelton.

By same—7. A bill for the benefit of Eliza Boswell, and for other purposes.

By same—8. A bill to divorce Susan James.

By same—9. A bill to divorce Margaret M. Pulliam.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The committee on Religion, who were appointed to prepare and bring in the same—reported a bill for the benefit of James Bartlett.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. McHenry moved to amend said bill.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

On motion,

Ordered, That Mr. Speed inform the Senate that this House is now ready to proceed to the election of a Senator in Congress.

A message was received from the Senate, by Mr. Payne, announcing that the Senate were also ready to proceed to said election.

Mr. Speed nominated Mr. John J. Crittenden as a proper person to fill the office of Senator in the Congress of the United States; and Mr. Rowlett nominated Mr. James Guthrie.

And after interchanging nominations between the two Houses, this House proceeded to the election, and the vote stood thus:

Those who voted for Mr. Crittenden were—

Mr. Speaker,	Gray,	Raymon,
Messrs. Adams,	Haggard,	Reeves,
Atkinson,	Harding,	Riffe,
Botts,	Hardin,	Rudd,
Brent,	Harrison,	Shanks,
Bruton,	Hawkins,	Shaw,
Buckner,	Haydon,	Shuck,
Bush,	Hays,	Smith, B.
Calhoon,	Hazlerigg,	Smith, H. H.
Chenault,	Howard,	Snyder,
Chilton,	Innis,	Speed,
Clay,	Kirtley,	Sprigg,
Cofer,	Lair,	Stockton,
Combs,	Latimer,	Towles,
Craddock,	Loving,	Triplett,
Crenshaw,	Marshall, C. A.	Trussell,
Cunningham,	Marshall, W. C.	Vance,
Curd,	Mason,	Wakefield,
Curle,	McHenry,	Waring,
Davidson,	Miller,	Watkins,
Fletcher,	Mitchell,	Watts,
Ford,	Morgan,	White,
Forman,	Park,	Williams,
Gabbert,	Perciful,	Woodson—73.
Graham,		

Those who voted for Mr. Guthrie were—

Messrs. Brien,	Johnson,	Stevens, J.
Caldwell,	Lackey,	Stephens, N. B.
Draffin,	Marshall, W. N.	Taylor,
Goble,	Nance,	Thomas,
Goodson,	Newell,	Thomasson,
Hart,	Rowlett,	Wortham—20.
Imboden,	South,	

Messrs. Speed, Calhoon, Waring and Ford were appointed a committee on the part of this House, to meet a committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time, Mr. Speed reported that the joint vote stood thus:

For Mr. John J. Crittenden, - - - -	100
For Mr. James Guthrie, - - - -	29

Mr. John J. Crittenden having received a majority of all the votes given, was declared duly elected Senator in the Congress of the United States, for six years, from the 4th day of March next.

The House then took up for consideration the resolution proposed by Mr. Thomasson, on yesterday.

The said resolution was then twice read, and adopted.

A bill from the Senate, entitled, an act to run and mark the dividing line between Franklin and Scott counties,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

On motion of Mr. Johnson,

Ordered, That the further consideration of said bill be postponed for the present.

Bills from the Senate, of the following titles, viz:

An act to amend an act, entitled, an act to amend an act to reduce into one the several acts concerning the towns of Nicholasville and Versailles.

An act concerning the record books of the County and Circuit Courts of Madison,

Were read the first time, and ordered to be read a second time.

Mr. Calhoon moved a re-consideration of the vote ordering the bill to amend an act, entitled, an act to divide the State into Congressional districts to be engrossed and read a third time.

And the question being taken thereon, it was decided in the affirmative.

Mr. Speed then moved an amendment to said bill.

On motion,

Ordered, That the further consideration of said bill and amendment be postponed for the present.

Ordered, That the bill to amend the laws concerning the emancipation of slaves, be engrossed and read a third time.

Mr. Johnson moved a re-consideration of the vote ordering said bill to be engrossed and read a third time.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then amended.

A further amendment was then proposed to said bill.

And then the House adjourned.

THURSDAY, DECEMBER 17, 1840.

1. Mr. Calhoon presented the petition of the devisees of James H. Row, deceased, praying a sale of certain real estate devised to them by the will of said deceased.

2. Mr. Hazlerigg presented the petition of sundry citizens of Bath county, in behalf of America Oakley, an idiot; praying the passage of a law making provision for her support.

3. Mr. Hart presented the petition of Pendleton H. Harrard, praying to be divorced from his wife, Fanny Harrard.

4. Mr. Draffin presented the petition of Benjamin Bennett, praying to be divorced from his wife, Harriet Bennett.

5. Mr. Rudd presented the petition of Elizabeth Partlow, praying to be divorced from her husband, Solomon Partlow.

6. Mr. Goodson presented the petition of sundry citizens of the town of Covington, praying the passage of a law extending the limits of said town.

7. Also, the remonstrance of sundry citizens of the town of Covington, against the extension of the limits of said town.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred: the 1st, 6th and 7th to the committee for Courts of Justice; the 2d to the committee on Claims; and the 3d, 4th and 5th to the committee on Religion.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to divorce Fanny Dawson from her husband, James W. Dawson.

And that they had passed bills from this House, of the following titles:

An act to change the time of holding the Bullitt County Court.

An act for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.

An act for the benefit of the Clerk of the Adair Circuit Court.

An act to change the time of holding the Trimble County Court.

An act to allow an additional Justice of the Peace to the county of Bath.

An act to amend an act, entitled, an act to amend an act establishing a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act to extend the July term of the Bullitt Circuit Court.

An act to change the time of holding the Clinton County Court.

An act for the benefit of the Sheriff of Clinton county.

An act to authorize an additional Constable in Logan county.

An act to divorce Burilla W. Littleton from her husband, Joseph D. Littleton.

And that they had passed bills of the following titles, viz:

An act to divorce Eleanor M. Tator, and to change the name of John G. Tator.

An act for the benefit of Thomas Prator, committee of Josiah Prator.

The Speaker laid before the House a communication from the Auditor of Public Accounts.

Ordered, That the said communication be referred to the committee for Courts of Justice.

The House then resumed the consideration of the bill for the benefit of James Bartlett.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the House the response of the Board of Internal Improvement, to resolutions adopted by this House on the 8th inst., which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, December 17, 1840.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR:

I have the honor to transmit herewith, the report of the Board of Internal Improvement, to the resolutions of the House of Representatives of the 8th instant.

With great respect, &c.

JAS. T MOREHEAD.

The Board of Internal Improvement, having had under consideration a resolution of the House of Representatives of the 8th instant, to them referred, would, in obedience thereto, respectfully report:

That for the improvement of the navigation of the Green and Barren rivers, five locks and dams have been put under absolute contract; that the sum of $663,774 15 have been expended thereupon; and that the additional sum of $50,000 will be sufficient to fulfil all the obligations of the State to the contractors, and to finish the work up to the town of Bowlinggreen. It will at once be perceived that none of the locks and dams mentioned can be suspended "without plain and manifest injury to the State," nor yet without injustice to the contractors.

Two other locks and dams were *conditionally* contracted for on the Green and Barren river, and one upon Muddy river, from the temporary suspen-

sion of which, no material injury would result to the State, and no serious injustice would be done to the contractors.

That to improve the navigation of the Kentucky river, five locks and dams have been put under absolute contract; that the sum of $686,470 35 have been expended in their construction; and that the further sum of $162,489 15 will be required to comply with the obligations of the State to the contractors, and to finish those now in progress. The Board are at a loss to conceive how any of those works can be suspended, without plain and manifest injury to the State, and injustice to the contractors. That the works upon dam No. 5 may be suspended with much less injury to the State than upon dam No. 1, near the mouth of the river, is unquestionable. Until dam No. 1 shall be finished, the three dams next above will be of no available benefit to the public, but an absolute injury. To secure a safe navigation up to Frankfort, the completion of dam No. 1 is indispensable. All other locks and dams conditionally contracted for on this river, and the one on the South Fork, may be suspended, without injury to the State, or injustice to the contractors.

That the sum of $209,636 65 have been expended upon Licking river, on the five locks under absolute contract; that the further sum of $150,000 will be required to carry on the works next season; and an additional sum of $213,808 will thereafter be needed to fulfil the obligations of the State to contractors, and to finish the works so as to secure a safe navigation up to Falmouth. How to suspend these works, without plain and manifest injury to the State, and injustice to the contractors, the Board are at a loss to conceive; but that their temporary suspension would evidently be less injurious to the interests of the State, than would be the suspension of lock and dam No. 1 upon the Kentucky river, or the suspension of the inconsiderable remnant of the works to be finished upon the Green river, so as to secure the safe navigation up to the town of Bowlinggreen, is unquestionable.

Two other locks and dams were contracted for upon this river, under certain conditions, both of which have been abandoned, the contractor having received a small indemnity for the rocks which he quarried, at the estimated value: the re-letting of which may be suspended, without injury to the State.

The Board have to regret the want of information, in detail, to enable them to report to the House the exact condition of the roads now under contract, and the amount which would be required to make them available and profitable. There are, however, but few roads, at this time, in a state of progressive construction. Certain portions of them are under contract, some of them might be finished by grading without stone, so as to render them useful. They cannot be suspended without injustice to the contractors, or by their consent. The ungraded intervals now under contract should, if practicable, be graded next season, with a view of finishing them in a reasonable time thereafter.

The whole of the works which are under absolute contract, originated in a spirit of compromise among the several sections of the State, and from a laudable desire to extend to each other a portion of the benefits and advantages resulting from the system, approved and confirmed by the Legislature. How to suspend any part of those works without a violation of the plighted faith of the different sections of the State to each other, or without a departure of the Legislature from that principle of action by which that body

hitherto has been so eminently characterized, is not within the power of the Board to devise. How to suspend the contracts against the consent of the contractors, is still more difficult. A compulsory suspension might operate much more injuriously to some of the contractors, than it would do to others—depending mainly upon their preparations to proceed, and the profits likely to result from their contracts respectively. That the contractors would claim large damages, may be expected; and that a considerable sum would be required to liquidate their just claims, cannot be doubted. The Board have no means by which to ascertain the true amount of loss to the State by suspending the works under absolute contract, and upon which considerable sums have already been expended.

Is it the intention of the Legislature to suspend the contracts temporarily: say for one or two years, for the purpose of awaiting the action of Congress upon the contemplated distribution of the proceeds of the public lands? or is it intended to suspend to an indefinite period, that we may receive lessons of instruction from time, and experience, before we again embark in the cause? In either case, it may not be amiss for the Legislature, by law, to create an agency, with powers adequate to the exigency of the case, to adjust and settle with the contractors. It is obviously true, that under our complicated system of government, Federal and State, operating as they do upon the same people, and upon all the great interests of the country, a mutual good understanding and the most perfect harmony of action is indispensable to the general peace and prosperity. In the absence of these principles of action, how are the people to preserve their own interests with that enlightened forecast, which is the only security of their liberty and happiness? From the history of the past, it would seem to be undeniable that the Legislature of this, and of some of the other States, have felt the stimulus arising out of the prospect of receiving aid to carry on works of improvement from a distribution of the surplus revenue of the nation, or from a distribution of the proceeds of the public lands. Hence they rushed with enthusiastic ardor into an extensive plan of improvement, which under other and less auspicious circumstances, would in all probability never have been undertaken. How great has been our disappointment in reference to the aid thus expected. Like our sister States, we are now thrown exclusively upon our own resources, having the poor consolation to know that we are less embarrassed than they are. The States having parted with a portion of their sovereign power, enough to enable the government possessing it, by a capricious, whimsical, or unfriendly system of legislation, to disappoint the just expectations of the people, and so to enfeeble the energies of the State governments as to deprive them of the power to do good. Such is the philosophy of our complicated system of government. How, then, are we to avoid running into similar evils in future? Their recurrence can be avoided only by some fixed, permanent and well defined system of administering the affairs of the General Government. Both governments are governments of the people, and of the same people.

The delicacy of its various parts is not less apparent than the grandeur of its structure; and none but a master hand can be expected to put it into successful operation. Harmony of action on the part of each government can alone secure the prosperity of the people. Every discordant movement will be fraught with disastrous consequences, not only to the respective governments, but to the whole country. These truths cannot be too deeply

impressed upon the mind of the statesman, and ought to be engraven on the heart of every patriot.

Under this view of the subject, ought we to push on our improvements, in anticipation of receiving aid from the distribution of the proceeds of the public lands? This might turn out to be a hazardous experiment. Relying, then, exclusively upon our own resources, *can* we carry out our plan of improvement, embracing as it does, so many roads and rivers, and such other works as will probably be demanded as a matter of right, by those sections not yet included? *Can* we raise the means to push on these works so as to render them available and profitable, within a reasonable length of time? These are questions of no ordinary import. But sooner or later, they must be met: the sooner the better.

Why, it has often been asked, did the Legislature embark in a scheme so extensive, instead of commencing and carrying on to its completion a single work at the time? That this would have been the dictate of true wisdom, no friend of improvement doubted from the beginning. But this plan could not be accomplished. One section of the State would not consent to wait upon another; and it is abundantly known that the most formidable opposition to the present system arose, not because the plan of operation embraced too much, but because it was not sufficiently extended and diffusive.

The Board would not intentionally travel out of the path of duty assigned them by the resolution. But feeling as they ought to do, the full force of that dilemma in which the Legislature is involved, they hold that there should now be no unmanly shrinking from duty, or attempt to escape their full share of responsibility. With this explanation, the Board hope to be pardoned for not having confined their remarks more strictly within the limits of your enquiries. They desire only to be rightly understood on a subject so vitally affecting the interest of the State, now and hereafter. They are fully aware of the difficulties and perplexities now to be encountered, brought upon us not less by our peculiar system of government, Federal and State, and their action upon each other, than by our own want of experience in such matters. But still, to improve and ameliorate our condition, is one of our first duties. It is quite easy, with censorious tongue and unmeasured abuse, to denounce plans of improvement, and to ridicule every error that may be committed; but it requires a different order of mind to prepare and carry on better plans. That intrinsic difficulties will beset the friends of improvement at almost every step, not only here, but in every country, we have learned by experience. Still, to improve one's country is the work of true patriotism, because it binds the States together, cheapens transportation, and facilitates the business of life. It is benificent, because its burdens fall not upon the poor, but upon the wealth of the State; it furnishes labor to the needy, and rewards the hand of industry. It is philanthropic, because it enlarges the capacity of the country to produce the means of comfortable subsistence for a more dense and numerous population. It does no injustice to the rich, because it enhances the value of their property, and adds greatly to their comforts and enjoyments. Entertaining these general views upon the main question of Internal Improvement, the Board would not, however, be understood as urging upon the Legislrture a wild and extravagant attempt to push on our works at all hazards, and without regard to future consequences. Such works are of a character too sacred for light and thoughtless legislation.

The Board are aware of the fact that our Bonds do not bring their par value. They know that the turnpike roads yield but little to the Sinking Fund, owing in part to the use which has in various instances been made of the dividends to pay the debts of the companies and to construct additional portions of the roads; and partly, as the Board conceives, to mismanagement, and the want of power on the part of the Board to hold the companies to a proper responsibility.

To sum up the opinion of the Board, in reply to the questions proposed by the resolution, as briefly as practicable, they submit the following:

It is the opinion of the Board that all the conditional contracts which have not been commenced, may be suspended without serious injury to the State, or injustice to individuals. It is their opinion that *none* of the works under *absolute contract* can be suspended without serious injury to the State, and injustice to the contractors. It is their opinion that a portion of the works now under absolute contract, and which are in a state of progressive construction, can be suspended with less immediate injury to the State, but with no less injustice to contractors, than the other portions, as herein before indicated. But those works cannot be suspended without a plain and palpable violation of the solemn and plighted faith of the different sections to each other, and of the State to all of them. The injury done to the section in which the suspension would mainly operate, would be the greater, and more keenly felt, because hitherto that section has, from various causes, been kept back and prevented from expending its equitable portion of appropriations, as was intended by the Legislature, and set apart for that purpose; the peculiarity of their situation, and the unprecedented dryness of the two seasons next preceding the last, having contributed mainly to the delay. And now, shall these adverse circumstances, which they could not control, be urged as a reason for suspending operations in that quarter altogether?

It should also be borne in mind that, by suspending the works, the amount of equitable damages to contractors, will fall but little short of the sum which might suffice to carry on the works next season. Steamboats, barges, shantees, stone quarries, railroads at locks, and railroads at quarries, coffer dams, pump machinery, big wheels, large chains, blacksmiths' tools, etc. etc. the most of which is subject to rapid decay, or of but little use for any other purpose; all of which having been procured for the purpose of carrying on the works to their completion in a reasonable time, will fall upon the contractor, a dead loss, if the works are suspended, and of course must be paid for by the State, in addition to such other equitable indemnity as justice might require.

All of which is respectfully submitted to the House of Representatives.

JAS. T. MOREHEAD, *President.*
SAM'L DAVIESS.
THOMAS METCALFE.
FINIS E. McLEAN.

Ordered, That the Public Printer forthwith print 150 copies of said response, for the use of the members of the General Assembly.

On motion of Mr. Forman,

Ordered, That Mr. Adams be added to the committee on Ways and Means.

Mr. Bruton asked leave to withdraw the petition of the heirs of J. C. Butler; which was granted, and the petition withdrawn.

Mr. Perciful asked leave to withdraw the petition of the widow and heirs of James B. Slaughter, deceased; which was granted, and the petition withdrawn.

The Speaker laid before the House the annual report of the Board of Internal Improvement, which is as follows:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, December 17, 1840.

Hon. CHARLES S. MOREHEAD,
Speaker of the House of Representatives.

SIR:

I have the honor to communicate the annual report of the Board of Internal Improvement, and the accompanying documents.

With great respect, &c. &c.

JAS. T. MOREHEAD.

[*For the report, see Legislative Documents, page* 239.]

Ordered, That said report be referred to the committee on Internal Improvement.

Mr. Newell moved that the Public Printer forthwith print 1,000 copies of said report, for the use of the members of this House.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Davidson and Mason, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hart,	Rudd,
Messrs. Adams,	Hawkins,	Shanks,
Botts,	Hays,	Shuck,
Brent,	Imboden,	Smith, B.
Bruton,	Innes,	Smith, H. H.
Bullock,	Johnson,	Snyder,
Calhoon,	Lackey,	Speed,
Chilton,	Loving,	Stevens, J.
Combs,	Marshall, C. A.	Stephens, N. B.
Craddock,	Marshall, W. C.	Stockton,
Crenshaw,	Marshall, W. N.	Taylor,
Cunningham,	McHenry,	Thomas,
Curd,	Mitchell,	Thomasson,

Curle,	Morgan,	Towles,
Draffin,	Nance,	Triplett,
Fletcher,	Newell,	Trussell,
Forman,	Park,	Vance,
Gabbert,	Perciful,	Waring,
Goble,	Raymon,	Watkins,
Goodson,	Reeves,	Watts,
Graham,	Riffe,	White,
Harding,	Rowlett,	Wortham—67.
Hardin,		

Those who voted in the negative were—

Messrs. Brien,	Gray,	Latimer,
Buckner,	Haggard,	Mason,
Bush,	Harrison,	Paris,
Caldwell,	Haydon,	Shaw,
Chenault,	Hazlerigg,	South,
Cofer,	Howard,	Sprigg,
Davidson,	Kirtley,	Wakefield,
Ford,	Lair,	Williams—24.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Education—1. A bill to appropriate the Seminary funds of Pendleton county to the aid of Common Schools in said county, and for other purposes.

By the committee on Propositions and Grievances—2. A bill to authorize the County Court of Kenton to change the State road from Colemansville, in Harrison county, to Covington, in Kenton county.

By same—3. A bill to exempt certain persons from the payment of toll at the Muldrow Hill turnpike gate.

By same—4. A bill to establish the county of Howard.

By Mr. Clay—5. A bill for the benefit of Thomas B. Megowan.

By Mr. Cofer—6. A bill to change the place of voting from the house of James Howell to that of Joel H. Ferrell, in Hardin county, and for other purposes.

By Mr. Rowlett—7. A bill appropriating three thousand dollars to aid in building a bridge across main Eagle creek.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 2d, 5th, 6th and 7th bills having been dispensed with, the 1st, 2d and 6th were severally ordered to be engrossed and read a third time; the 5th was referred to the committee on Claims; and the 7th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the

1st, 2d and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Paris, from the select committee who were appointed to prepare and bring in the same—reported a bill to reduce the salaries of certain public officers of this Commonwealth; which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rowlett and Paris, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Harrison,	Raymon,
Messrs. Atkinson,	Hart,	Reeves,
Botts,	Hawkins,	Riffe,
Brent,	Haydon,	Rowlett,
Brien,	Hays,	Rudd,
Bruton,	Hazlerigg,	Shanks,
Bush,	Howard,	Shaw,
Caldwell,	Imboden,	Smith, B.
Calhoon,	Innes,	Smith, H. H.
Chenault,	Johnson,	Snyder,
Chilton,	Kirtley,	South,
Clay,	Lackey,	Sprigg,
Cofer,	Lair,	Stevens, J.
Craddock,	Latimer,	Stephens, N. B.
Crenshaw,	Loving,	Stockton,
Cunningham,	Marshall, W. C.	Taylor,
Curd,	Marshall, W. N.	Thomas,
Curle,	Mason,	Thomasson,
Fletcher,	Miller,	Vance,
Ford,	Mitchell,	Waring,
Gabbert,	Morgan,	Watkins,
Goble,	Nance,	Watts,
Goodson,	Newell,	Williams,
Graham,	Paris,	Woodson,
Gray,	Park,	Wortham—76.
Haggard,		

Those who voted in the negative were—

Messrs. Adams,	Forman,	Speed,
Buckner,	Harding,	Towles,
Bullock,	Hardin,	Triplett,
Combs,	Marshall, C. A.	Trussell,
Davidson,	Perciful,	Wakefield,
Draffin,	Shuck,	White—18.

Mr. Perciful moved the following resolution, viz:

Resolved, That no leave be hereafter granted to any member of the House of Representatives to introduce a bill, otherwise than upon a call of counties.

And the question being taken on the adoption thereof, it was decided in the negative.

Leave was given to bring in the following bills, viz:

On the motion of Mr. W. C. Marshall—1. A bill for the benefit of Susan Summers, and for other purposes.

On the motion of Mr. Combs—2. A bill to reduce into one, two precincts in Perry county.

On the motion of Mr. Thomas—3. A bill to allow an additional Constable in the county of Campbell.

On the motion of Mr. N. B. Stephens—4. A bill for the benefit of Thos. Cunningham.

On the motion of Mr. H. H. Smith—5. A bill to change the place of voting at an election precinct in Hopkins county.

On the motion of Mr. Craddock—6. A bill to amend the law requiring Justices of the Peace to keep a record of their proceedings, and for other purposes.

On the motion of Mr. Vance—7. A bill for the protection of illegitimate children in this Commonwealth.

On the motion of Mr. Adams—8. A bill for the benefit of married women in this Commonwealth.

On the motion of Mr. Watkins—9. A bill establishing an election precinct in the county of Laurel.

On the motion of Mr. Goble—10. A bill to establish a regiment for the county of Carter.

On the motion of same—11. A bill for the benefit of Jacob Weddington, jr., and for other purposes.

On the motion of Mr. Davidson—12. A bill to prevent the emancipation of slaves, under certain restrictions.

On the motion of Mr. Perciful—13. A bill appointing a Police Judge in the town of Brandenburg.

On the motion of Mr. Fletcher—14. A bill to authorize the County Courts of McCracken and Hickman to establish ferries across the Mississippi river.

On the motion of Mr. Speed—15. A bill to repeal so much of an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes, as relates to the collection of taxes on land struck off to the State for the non-payment of taxes due thereon.

On the motion of Mr. Hart—16. A bill for the benefit of John Lewis.

On the motion of Mr. Lair—17. A bill for the purpose of repealing so

much of the Internal Improvement law as relates to the appointment of Engineers.

On the motion of Mr. Johnson—18. A bill for the relief of the contractors on the public works.

Ordered, That the committee on Religion prepare and bring in the 1st; Messrs. Combs, Park, Mitchell and Adams the 2d; Messrs. Thomas, Goble and Goodson the 3d; Messrs. N. B. Stephens, Latimer, Imboden and H. H. Smith the 4th; Messrs. H. H. Smith, Imboden, Latimer and N. B. Stephens the 5th; the committee for Courts of Justice the 6th, 7th and 14th; Messrs. Adams, Draffin and W. C. Marshall the 8th; the committee on Privileges and Elections the 9th; the committee on Military Affairs the 10th; the committee on Internal Improvement the 11th; Messrs. Davidson, Woodson, W. C. Marshall, Cunningham, Speed and Johnson the 12th; Messrs. Perciful, Craddock, Adams and Miller the 13th; the committee on Ways and Means the 15th; Messrs. Hart, Loving, Hawkins and Hays the 16th; Messrs. Lair, Ford, Brien, J. Stevens and Fletcher the 17th; and Messrs. Johnson, Goodson, Clay and Caldwell the 18th.

Mr. Sprigg presented the memorial of certain citizens of Shelby county, in relation to the turnpike road in the counties of Shelby and Franklin, accompanied with the following resolutions, viz:

Resolved, That the petition be received, and referred to the committee on Internal Improvement; and that they enquire into the expediency of making a contract with the petitioners, as proposed by them.

Resolved, also, That it shall be the duty of the committee to devise some plan by which the State and all other holders of turnpike stock may derive more profit from their investments than heretofore, preserving the present rates of tolls authorized by law.

Which being twice read, were adopted.

Mr. Johnson moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of providing means for the completion of the Georgetown and Covington turnpike.

Which being twice read, was adopted.

The bill providing for a change of venue in two prosecutions now pending against Edward Parks—was read a second time.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The House resumed the consideration of the bill to amend the laws concerning the emancipation of slaves.

The said bill was further amended.

Mr. Haydon then moved the previous question; and it was decided in the affirmative.

The main question was then put: Shall the bill, as amended, be engrossed, and read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Mr. Calhoon moved to amend said bill, by adding thereto a clause, by way of engrossed ryder.

And the question being taken thereon, it was decided in the affirmative.

Mr. Calhoon then moved the previous question; and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Atkinson,
Botts,
Brent,
Bruton,
Buckner,
Bullock,
Bush,
Calhoon,
Chenault,
Chilton,
Cofer,
Combs,
Craddock,
Crenshaw,
Cunningham,
Curd,
Curle,
Davidson,
Draffin,
Fletcher,
Ford,
Forman,
Gabbert,
Goodson,
Graham,
Gray,
Haggard,
Harding,
Hardin,
Harrison,
Hart,
Hawkins,
Haydon,
Hays,
Hazlerigg,
Howard,
Imboden,
Innes,
Johnson,
Kirtley,
Lackey,
Lair,
Latimer,
Loving,
Marshall, C. A.
Marshall, W. C.
Marshall, W. N.
Mason,
McHenry,
Miller,
Mitchell,
Morgan,
Nance,
Paris,
Park,
Perciful,
Raymon,
Reeves,
Riffe,
Rowlett,
Rudd,
Shanks,
Shaw,
Shuck,
Smith, B.
Smith, H. H.
Snyder,
South,
Speed,
Stevens, J.
Stephens, N. B.
Stockton,
Taylor,
Thomas,
Thomasson,
Towles,
Triplett,
Trussell,
Vance,
Wakefield,
Waring,
Watkins,
Watts,
White,
Williams,
Woodson,
Wortham—89.

Those who voted in the negative were—

Messrs. Brien, Goble, Sprigg—5.
Clay, Newell,

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, DECEMBER 18, 1840.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to change the place of voting in the Upper Election Precinct, in Bath county.

An act to change the places of voting in certain election precincts in Floyd county.

An act to establish an election precinct at the town of Lewis Port, in the county of Hancock.

An act to establish an election precinct in the town of Ghent, in Carroll county.

An act to incorporate the Trustees of Gamaliel School house, in Monroe county.

An act to establish an additional election precinct in Hardin county.

An act fixing the time of holding the January term of the General Court for the year 1841.

An act to incorporate the town of Russellville.

An act for the benefit of Catharine J. Lloyd.

With amendments to the three last named bills.

That they had passed bills of the following titles, viz:

An act for the benefit of the Madison Circuit and County Courts.

An act to amend the several acts for the benefit of Religious Societies in this Commonwealth.

An act for the benefit of the Sheriff of Hickman county.

An act to change the place of voting in Caldwell county, from Pearce's mill to the house of Samuel Jones.

And had adopted a resolution for a recess of the General Assembly.

1. Mr. Calhoon presented the petition of Jason Bell and Pleasant Sadler, praying a change of venue in certain indictments now pending in the Green Circuit Court against them, for murder.

2. Mr. Shuck presented the petition of sundry citizens of Washington county, praying the passage of a law allowing an additional Justice of the Peace and Constable to said county.

3. Mr. Williams presented the memorial of sundry citizens of Madison county, praying the passage of a law regulating the collection and disbursement of the tolls collected on the Wilderness road.

4. Mr. Davidson presented the petition of Jesse Murphy, praying permission to build a fish dam on Pond river.

5. Also, the petition of sundry citizens of Muhlenburg county, praying the passage of a law allowing an additional Constable to said county.

6. Mr. Goodson presented the petition of sundry citizens of Campbell and Kenton counties, praying an alteration in the boundaries of said counties.

7. Mr. McHenry presented the petition of Bryan Y. Cundiff, Joseph C. Reynolds and Benjamin S. Young, praying the passage of a law allowing them compensation for certain slaves, which were drowned while working on the public works on Green river.

8. Mr. Forman presented the petition of Thomas A. Palmer, praying to be divorced from his wife, Nancy Palmer.

Which petitions and memorial were severally received, the reading thereof dispensed with, and referred: the 1st and 2d to the committee for Courts of Justice; the 3d, 4th and 7th to the committee on Internal Improvement; the 5th to Messrs. Pittman, Davidson and Imboden; the 6th to the committee on Propositions and Grievances; and the 8th to the committee on Religion.

The Speaker laid before the House the annual report of the Trustees of the Deaf and Dumb Asylum, at Danville, which is in the following words, viz:

To the Hon. Senate and House of
Representatives of the Commonwealth of Kentucky.

The undersigned, committee of the Deaf and Dumb Asylum, respectfully report:

This institution is in successful operation. There are twenty eight pupils, fourteen of whom are supported by the benevolence of the State, and the remaining fourteen by their parents and friends. They have enjoyed unusual good health the past year. To all we have heretofore said as to the qualifications of their teachers, and the kind treatment they receive, we can add, that from year to year there is improvement in the capability of the teachers, and in the discipline and government of the institution.

In our last report, we advised you that there remained about 4,000 acres of land in Florida unsold. The state of the currency, and other causes, retard the sale of the land. Of the large amount due, as reported to you last year, our Agent has sent us checks for $6,000, payable at New York, in two years from May last, drawn by the Union Bank of Florida; also small checks, payable in six, twelve, and eighteen months, for interest at eight per

cent per annum—all these are unavailable, and the institution has been supported from its other resources. We have directed our Agent not to send any more such checks until further advised.

The Treasurer's report and a list of the pupils, with their ages and residence is enclosed.

OFFICERS OF THE INSTITUTION.

John A. Jacobs, Principal Teacher; William D. Kerr, Assistant Teacher; Dr. John Todd, Physician; James Barbour, Treasurer; John A. Jacobs, Secretary; John A. Jacobs and Lady, Superintendent and Matron.

JOHN TODD,
DANVILLE, *December 16th*, 1840. J. BARBOUR,

THE KENTUCKY DEAF AND DUMB ASYLUM,
In account with J. Barbour, Treasurer.

1840.			DR.
To cash paid board of pupils,			$1,855 14
To cash paid Jacobs, Principal Teacher, salary,			900 00
To cash paid Kerr, Assistant do. do,			847 60
Books and Miscellanies,			41 37
Insurance,			36 00
Wood,			38 50
Fencing,			12 00
Hauling,			7 00
Physician's bill,			25 00
Postage account,			1 50
Secretary's salary,	$25 00		
Treasurer's salary,	50 00		
		75 00	
			$3,839 11
			CR.
By tuition fees of pay pupils,	$41 58		
By amount received from State Treasury,	2,284 65		
			$2,326 23
Amount of notes on hand, exclusive of interest due, about			$3,600 00

A list of Pupils of the Kentucky Asylum for the Deaf and Dumb, December 6th, 1840.

	NAMES.	RESIDENCE.	AGE.
1	George W. Blackford, -	Warren county, Kentucky,	15
2	Maston Gore, - -	Caldwell county, Kentucky,	11
3	Elizabeth Kelb, - -	Scott county, Kentucky, -	14
4	Lucy Jane Fitzpatrick, -	Adair county, Kentucky, -	13
5	Andrew Orr, - -	Garrard county, Kentucky, -	23
6	Caroline Orr, - -	Garrard county, Kentucky, -	26
7	James George, - -	Garrard county, Kentucky, -	14
8	Elizabeth Orr, - -	Garrard county, Kentucky, -	15
9	Elizabeth Adams, - -	Rockcastle county, Kentucky,	13
10	Malinda Webb, - -	Louisville, Kentucky, - -	21
11	Levi Arterburn, - -	Jefferson county, Kentucky,	23
12	Rachel Arterburn, -	Jefferson county, Kentucky,	21
13	Elizabeth Ray, - -	Nelson county, Kentucky, -	12
14	Michael Hanel, - -	Grayson county, Kentucky,	21
15	Elizabeth Graves, - -	Scott county, Kentucky, -	13
16	Elizabeth K. Noel, - -	Anderson county, Tennessee,	18
17	G. W. West, - -	Giles county, Tennessee, -	28
18	Atwell Beatty, - -	Shelby county, Kentucky, -	15
19	Robert Allen, - -	Jackson county, Alabama, -	18
20	William A. Whitley, -	Lincoln county, Kentucky, -	15
21	J. L. Edmiston, - -	Moulton, Alabama, - -	18
22	Emily Johnson, - -	Cape Girardeau, Missouri, -	14
23	Daniel Miller, - -	McMinn county, Tennessee,	17
24	Thomas Miller, - -	McMinn county, Tennessee,	12
25	M. J. Minor, - -	Owen county, Kentucky, -	13
26	John P. C. Porter, - -	Ohio county, Kentucky, -	19
27	William Vaughn, - -	Madison county, Illinois, -	27
28	Henry C. Waggoner, -	Christian county, Kentucky,	11

NOTE—The first fourteen are supported by the State.

The committee for Courts of Justice, to whom was referred leave to bring in the following bills, viz:

A bill to authorize the administrator of the estate of David Matthews, deceased, to sell the land of said decedent, to pay the debts.

A bill to amend an act, approved February 13, 1840, to explain and enforce an act regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834—asked leave to be discharged from the further consideration thereof; which was granted.

The same committee, to whom was referred the petition of Roger and A. L. Jones—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which, being twice read, was concurred in.

The committee on Religion, to whom was referred the petition of Susanna Shultz; the petition of John Paul; the petition of Lucy McGuffin; and the petition of Thomas Sadler, each praying for a divorce—reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which, being twice read, was concurred in.

The committee on Ways and Means, to whom was referred the memorial of sundry citizens of Lincoln county, in relation to the license law—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject; which, being twice read, was concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Claims—1. A bill for the benefit of Lois Smallwood.

By the committee for Courts of Justice—2. A bill to amend the charter of the City of Covington, and for other purposes.

By same—3. A bill to authorize the County Court of Bourbon county to sell the lands on which the poor house is, and for other purposes.

By same—4. A bill for the benefit of the Commonwealth's Attorney in the Fifth Judicial district.

By same—5. A bill concerning the estate of James Haggin, deceased.

By the committee on Religion—6. A bill for the divorce of John Pence.

By same—7. A bill for the divorce of Harrison Turner.

By same—8. A bill for the benefit of Susan Summers.

By the committee on Ways and Means—9. A bill for the benefit of the Sheriff of Christian county.

By the committee on Military Affairs—10. A bill for the benefit of the executor of Henry W. Black, and others.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The House then took up for consideration the preamble and resolutions read and laid on the table by Mr. Bullock, in relation to a United States Bank the Public Lands.

Mr. Paris moved to amend the first resolution, by inserting after the words "United States," the following: "Whose capital stock shall belong exclusively to the people of the United States, and not to foreigners."

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Paris and Newell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Innis,	Smith, B.
Caldwell,	Johnson,	Smith, H. H.
Craddock,	Lackey,	South,
Goble,	Lair,	Stevens, J.
Goodson,	Marshall, W. N.	Stephens, N. B.
Harding,	Nance,	Taylor,
Hart,	Newell,	Thomas,
Hazlerigg,	Paris,	Thomasson,
Howard,	Rowlett,	Wortham—28.
Imboden,		

Those who voted in the negative were—

Mr. Speaker,	Ford,	Raymon,
Messrs. Adams,	Forman,	Reeves,
Atkinson,	Gabbert,	Riffe,
Botts,	Graham,	Rudd,
Brent,	Gray,	Shanks,
Bruton,	Haggard,	Shaw,
Buckner,	Hardin,	Shuck,
Bullock,	Harrison,	Snyder,
Bush,	Hawkins,	Speed,
Calhoon,	Haydon,	Sprigg,
Chenault,	Hays,	Stockton,
Chilton,	Kirtley,	Towles,
Clay,	Latimer,	Triplett,
Cofer,	Loving,	Trussell,
Colyer,	Marshall, C. A.	Vance,
Combs,	Marshall, W. C.	Wakefield,
Crenshaw,	Mason,	Waring,
Cunningham,	McHenry,	Watkins,
Curd,	Miller,	Watts,
Curle,	Morgan,	White,
Davidson,	Park,	Williams,
Draffin,	Perciful,	Woodson—67.
Fletcher,		

Mr. Lackey then moved to amend the first resolution, by adding thereto the following proviso, viz:

Provided, The estate of each stockholder in said Bank shall be bound for the redemption of the notes of said Bank, in proportion to the amount of stock held (directly or indirectly) by him.

Mr. Davidson then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Lackey and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bruton;	Haggard,	Shuck,
Buckner,	Harding,	Smith, B.
Chenault,	Harrison,	Snyder,
Cofer,	Haydon,	Sprigg,
Crenshaw,	Hays,	Stockton,
Curd,	Kirtley,	Triplett,
Davidson,	Lair,	Vance,
Draffin,	Loving,	Wakefield,
Fletcher,	Marshall, C. A.	Waring,
Forman,	Mason,	Watts,
Gabbert,	Riffe,	Woodson—34.
Gray,		

Those who voted in the negative were—

Mr. Speaker,	Hardin,	Raymon,
Messrs. Adams,	Hart,	Reeves,
Atkinson,	Hawkins,	Rowlett,
Botts,	Hazlerigg,	Rudd,
Brent,	Howard,	Shanks,
Brien,	Imboden,	Shaw,
Bullock,	Innes,	Smith, H. H.
Bush,	Johnson,	South,
Caldwell,	Lackey,	Speed,
Calhoon,	Latimer,	Stevens, J.
Chilton,	Marshall, W. C.	Stephens, N. B.
Clay,	Marshall, W. N.	Taylor,
Colyer,	McHenry,	Thomas,
Combs,	Miller,	Thomasson,
Craddock,	Morgan,	Towles,
Cunningham,	Nance,	Trussell,
Curle,	Newell,	Watkins,
Ford,	Paris,	White,
Goble,	Park,	Williams,
Goodson,	Perciful,	Wortham—61.
Graham,		

The question was then taken on the adoption of the amendment proposed by Mr. Lackey, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Lackey and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Innes,	Rowlett,
Caldwell,	Johnson,	Smith, H. H.
Davidson,	Lackey,	South,
Draffin,	Lair,	Stevens, J.

Goble,	Marshall, W. N.	Stephens, N. B.
Goodson,	Mason,	Taylor,
Hart,	Nance,	Thomas,
Howard,	Newell,	Thomasson,
Imboden,	Paris,	Wortham—27.

Those who voted in the negative were—

Mr. Speaker,	Forman,	Reeves,
Messrs. Adams,	Gabbert,	Riffe,
Atkinson,	Graham,	Rudd,
Botts,	Gray,	Shanks,
Brent,	Haggard,	Shaw,
Bruton,	Harding,	Shuck,
Buckner,	Hardin,	Smith, B.
Bullock,	Harrison,	Snyder,
Bush,	Hawkins,	Speed,
Calhoon,	Haydon,	Sprigg,
Chenault,	Hays,	Stockton,
Chilton,	Hazlerigg,	Towles,
Clay,	Kirtley,	Triplett,
Cofer,	Latimer,	Trussell,
Colyer,	Loving,	Vance,
Combs,	Marshall, C. A.	Wakefield,
Craddock,	Marshall, W. C.	Waring,
Crenshaw,	McHenry,	Watkins,
Cunningham,	Miller,	Watts,
Curd,	Morgan,	White,
Curle,	Park,	Williams,
Fletcher,	Perciful,	Woodson—68.
Ford,	Raymon,	

The first and second resolutions were then twice read and adopted.

The question was then taken on the adoption of the third resolution, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Cofer and Hazlerigg, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Park,
Messrs. Adams,	Graham,	Raymon,
Atkinson,	Gray,	Reeves,
Botts,	Haggard,	Riffe,
Brent,	Harding,	Rudd,
Bruton,	Hardin,	Shanks,
Buckner,	Harrison,	Shaw,
Bullock,	Hawkins,	Shuck,
Bush,	Haydon,	Smith, B.
Calhoon,	Hays,	Smith, H. H.

Chenault,	Hazlerigg,	Snyder,
Chilton,	Howard,	Speed,
Clay,	Innes,	Sprigg,
Cofer,	Kirtley,	Stockton,
Colyer,	Lackey,	Towles,
Combs,	Lair,	Triplett,
Craddock,	Latimer,	Trussell,
Crenshaw,	Loving,	Vance,
Cunningham,	Marshall, C. A.	Wakefield,
Curd,	Marshall, W. C.	Waring,
Curle,	Mason,	Watkins,
Davidson,	McHenry,	Watts,
Draffin,	Miller,	White,
Fletcher,	Morgan,	Williams,
Ford,	Newell,	Woodson—77.
Forman,	Paris,	

Those who voted in the negative were—

Messrs. Brien,	Johnson,	Stephens, N. B.
Caldwell,	Marshall, W. N.	Taylor,
Goble,	Nance,	Thomas,
Goodson,	Rowlett,	Thomasson,
Hart,	South,	Wortham—17.
Imboden,	Stevens, J.	

The fourth resolution was then twice read and adopted.

The question was then taken on the adoption of the preamble, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Clay and Vance, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Perciful,
Messrs. Adams,	Graham,	Raymon,
Atkinson,	Gray,	Reeves,
Botts,	Haggard,	Riffe,
Brent,	Harding,	Rudd,
Bruton,	Hardin,	Shanks,
Buckner,	Harrison,	Shaw,
Bullock,	Hawkins,	Shuck,
Bush,	Haydon,	Smith, B.
Calhoon,	Hays,	Smith, H. H.
Chenault,	Hazlerigg,	Snyder,
Chilton,	Howard,	Speed,
Clay,	Innes,	Sprigg,
Cofer,	Kirtley,	Stockton,
Colyer,	Lackey,	Towles,
Combs,	Lair,	Triplett,

Craddock,	Latimer,	Trussell,
Crenshaw,	Loving,	Vance,
Cunningham,	Marshall, C. A.	Wakefield,
Curd,	Marshall, W. C.	Waring,
Curle,	Mason,	Watkins,
Davidson,	McHenry,	Watts,
Draffin,	Miller,	White,
Fletcher,	Morgan,	Williams,
Ford,	Park,	Woodson—76.
Forman,		

Those who voted in the negative were—

Messrs. Brien,	Marshall, W. N.	Stevens, J.
Caldwell,	Nance,	Stephens, N. B.
Goble,	Newell,	Taylor,
Goodson,	Paris,	Thomas,
Imboden,	Rowlett,	Thomasson,
Johnson,	South,	Wortham—18.

Mr. Clay moved a re-consideration of the vote adopting the first resolution.

And then the House adjourned.

SATURDAY, DECEMBER 19, 1840.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act for the benefit of the administrators and heirs of Wm. B. Cook, deceased.

An act to divorce Nancy Freeman.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of the widow and heirs of Edward Payne, dec'd.

An act to establish an election precinct in the county of Jefferson.

An act for the benefit of Eliza Boswell, and for other purposes.

An act to divorce Susan James.

An act regulating proceedings before Justices of the Peace.

An act allowing Prentice L. Lamb a change of venue.

With amendments to the two last named bills.

And that they had passed bills of the following titles, viz:

An act to change the time of holding the Circuit Courts in the Sixteenth Judicial district.

An act for the benefit of William Russell.

1. Mr. McHenry presented the petition of A. H. Buckner and C. Churchell, praying the passage of an act incorporating a company for the manufacture of iron.

2. Mr. Fletcher presented the petition of sundry citizens of McCracken county, praying the passage of a law changing the place of voting in an election precinct in said county, or the establishment of an additional election precinct in said county.

3. Mr. Hazlerigg presented the petition of sundry citizens of Bath county, praying the passage of a law making obligations for the payment of ten per cent interest valid and binding.

4. Mr. Haydon presented the petition of sundry citizens of Wayne county, praying the passage of a law allowing an additional Justice of the Peace to said county.

5. Mr. Colyer presented the petition of Joseph B. Parsons, and others, contractors for the construction of a part of the Crab Orchard and Cumberland road, praying the passage of a law providing for paying them for the work done on said road by them.

6. Mr. Bush presented the petition of the widow and heirs of Michael Fry, deceased, praying the passage of a law authorizing a sale of certain real estate of said deceased.

7. Also, the petition of John M. Daniel, praying the passage of a law changing the name of Kenaz F. Hatton to that of Kenaz F. Daniel.

8. Mr. Colyer presented the petition of sundry citizens of Madison and Laurel counties, praying a modification of the laws in relation to the Wilderness turnpike road.

Which were received, the reading thereof dispensed with, and referred: the 1st, 3d and 6th to the committee for Courts of Justice; the 2d to the committee on Privileges and Elections; the 4th to Messrs. Haydon, Waring and B. Smith; the 5th and 8th to the committee on Internal Improvement; and the 7th to Messrs. Bush, Hazlerigg, Bruton and Parks.

The Speaker, in pursuance of the joint resolution, appointed Messrs. Towles, Goodson, Davidson and Buckner the committee on the part of this House, to examine Transylvania University and the Lunatic Asylum.

Mr. Reeves, from the committee on Claims, to whom was referred the petition of W. Bowman, Deputy Sheriff of Casey county—reported the same with the following resolution, viz:

Resolved, That said petition be rejected; which, being twice read, was concurred in.

Mr. Reeves, from the same committee, to whom was referred a bill for the benefit of Thomas B. Megowan—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Sheriff of Clinton county.

An act to incorporate the Trustees of Gamaliel School house, in Monroe county.

An act to change the places of voting in certain election precincts in Floyd county.

An act to change the time of holding the Clinton County Court.

An act to establish an additional election precinct in Hardin county.

An act to establish an election precinct at the town of Lewis Port, in the county of Hancock.

An act to authorize an additional Constable in Logan county.

An act to change the place of voting in the Upper Precinct, in Bath county.

An act to change the time of holding the Bullitt County Court.

An act to change the time of holding the Lawrence County Court.

An act for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.

An act to divorce Burilla W. Littleton from her husband, Joseph D. Littleton.

An act for the benefit of the Clerk of the Adair Circuit Court.

An act to change the time of holding the Trimble County Court.

An act to allow an additional Justice of the Peace to the county of Bath.

An act to amend an act, entitled, an act to amend an act establishing a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act to extend the July term of the Bullitt Circuit Court.

A resolution to examine Transylvania University and the Lunatic Asylum.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill giving further time to the Clerks of this Commonwealth for an examination of their offices.

By the committee on Privileges and Elections—2. A bill to establish an election precinct in Harlan county, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the second bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The committee for Courts of Justice, who were instructed by resolution to enquire into the expediency of giving to Circuit Courts the power to grant a change of venue in prosecutions for felony—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject.

Mr. Davidson moved that said resolution be referred back to said committee, with instructions to report a bill in pursuance of said resolution; and after some discussion had thereon,

The hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act allowing Prentice L. Lamb a change of venue.

An act to incorporate the town of Russellville.

An act fixing the time of holding the January term of the General Court for the year 1841—were twice read, and concurred in.

Resolved, That this House disagree to the first, and concur in the second and third amendments proposed by the Senate to a bill from this House, entitled, an act regulating proceedings before Justices of the Peace.

The House then took up for consideration the resolution from the Senate for a recess of the General Assembly.

Mr. A. Harding moved to amend said resolution, by striking out "the 23d instant," and inserting "the 24th instant;" and to strike out "the 1st day of January, 1841," and insert "the 28th day of December, 1840."

A division of the question being called for, the question was first taken upon striking out "the 23d instant," and decided in the negative.

The question was then taken on striking out "the 1st day of January, 1841," and decided in the affirmative.

Mr. Haggard then moved to lay said resolution on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haggard and McHenry, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Caldwell,	Hardin,	Reeves,
Calhoon,	Harrison,	Rowlett,
Chilton,	Hawkins,	Smith, B.
Cofer,	Hays,	Smith, H. H.
Colyer,	Howard,	Snyder,

Craddock,	Imboden,	South,
Curd,	Kirtley,	Speed,
Draffin,	Lair,	Sprigg,
Fletcher,	Loving,	Stevens, J.
Ford,	McHenry,	Towles,
Goble,	Paris,	Triplett,
Graham,	Park,	Watts,
Haggard,	Perciful,	Wortham—39.

Those who voted in the negative were—

Mr. Speaker,	Gabbert,	Raymon,
Messrs. Adams,	Goodson,	Riffe,
Atkinson,	Gray,	Rudd,
Botts,	Harding,	Shaw,
Brent,	Hart,	Shuck,
Brien,	Haydon,	Stephens, N. B.
Bruton,	Hazlerigg,	Stockton,
Buckner,	Innis,	Taylor,
Bullock,	Johnson,	Thomas,
Bush,	Lackey,	Thomasson,
Chenault,	Latimer,	Trussell,
Clay,	Marshall, C. A.	Vance,
Combs,	Marshall, W. C.	Wakefield,
Crenshaw,	Marshall, W. N.	Waring,
Cunningham,	Mason,	Watkins,
Curle,	Morgan,	White,
Davidson,	Nance,	Williams,
Forman,	Newell,	Woodson—54.

Mr. W. C. Marshall then moved to fill the blank with the 31st day of December.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McHenry and Perciful, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Gabbert,	Shaw,
Botts,	Goodson,	Stephens, N. B.
Brent,	Hart,	Thomas,
Bruton,	Haydon,	Thomasson,
Bullock,	Latimer,	Trussell,
Bush,	Marshall, C. A.	Vance,
Chenault,	Marshall, W. C.	Wakefield,
Clay,	Morgan,	Waring,
Colyer,	Newell,	White,
Cunningham,	Raymon,	Williams,
Curle,	Rudd,	Woodson—34.
Forman,		

Those who voted in the negative were—

Mr. Speaker,	Harding,	Perciful,
Messrs. Atkinson,	Hardin,	Reeves,
Brien,	Harrison,	Riffe,
Buckner,	Hawkins,	Rowlett,
Caldwell,	Hays,	Shuck,
Calhoon,	Hazlerigg,	Smith, B.
Chilton,	Howard,	Smith, H. H.
Cofer,	Imboden,	Snyder,
Combs,	Innes,	South,
Craddock,	Johnson,	Speed,
Crenshaw,	Kirtley,	Sprigg,
Curd,	Lackey,	Stevens, J.
Davidson,	Lair,	Stockton,
Draffin,	Loving,	Taylor,
Fletcher,	Marshall, W. N.	Towles,
Ford,	Mason,	Triplett,
Goble,	McHenry,	Watkins,
Graham,	Nance,	Watts,
Gray,	Paris,	Wortham—59.
Haggard,	Park,	

Mr. Fletcher moved to lay said resolution on the table until the first day of January.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Fletcher and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Caldwell,	Harrison,	Perciful,
Calhoon,	Hawkins,	Reeves,
Chilton,	Hays,	Riffe,
Cofer,	Howard,	Rowlett,
Colyer,	Imboden,	Smith, B.
Craddock,	Johnson,	Smith, H. H.
Curd,	Kirtley,	Snyder,
Draffin,	Lackey,	South,
Fletcher,	Lair,	Speed,
Goble,	Loving,	Stevens, J.
Graham,	Marshall, W. N.	Taylor,
Gray,	McHenry,	Towles,
Haggard,	Nance,	Watts,
Hardin,	Paris,	Wortham—42.

Those who voted in the negative were—

Mr. Speaker,	Forman,	Shaw,
Messrs. Adams,	Gabbert,	Shuck,
Atkinson,	Goodson,	Sprigg,
Botts,	Harding,	Stephens, N. B.

Brent,	Hart,	Stockton,
Brien,	Haydon,	Thomas,
Bruton,	Hazlerigg,	Thomasson,
Buckner,	Innes,	Triplett,
Bullock,	Latimer,	Trussell,
Bush,	Marshall, C. A.	Vance,
Chenault,	Marshall, W. C.	Wakefield,
Combs,	Mason,	Waring,
Crenshaw,	Morgan,	Watkins,
Cunningham,	Newell,	White,
Curle,	Park,	Williams,
Davidson,	Raymon,	Woodson—50.
Ford,	Rudd,	

The question was then taken on filling the blank with "the 28th day of December, 1840," as proposed in the amendment of Mr. Harding, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hays and A Harding, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Harding,	Smith, B.
Messrs. Adams,	Harrison,	Snyder,
Botts,	Hart,	Sprigg,
Brent,	Hazlerigg,	Stephens, N. B.
Bruton,	Innes,	Stockton,
Buckner,	Kirtley,	Taylor,
Chenault,	Latimer,	Thomasson,
Chilton,	Marshall, W. C.	Triplett,
Colyer,	Mason,	Trussell,
Combs,	Morgan,	Vance,
Crenshaw,	Newell,	Wakefield,
Cunningham,	Park,	Waring,
Curle,	Raymon,	Watkins,
Ford,	Riffe,	White,
Forman,	Rudd,	Williams,
Gabbert,	Shaw,	Woodson—48.

Those who voted in the negative were—

Messrs Atkinson,	Haggard,	Nance,
Brien,	Hardin,	Paris,
Bush,	Hawkins,	Perciful,
Caldwell,	Haydon,	Reeves,
Calhoon,	Hays,	Rowlett,
Cofer,	Howard,	Shuck,
Craddock,	Imboden,	Smith, H. H.
Curd,	Johnson,	South,
Davidson,	Lackey,	Speed,

Draffin,	Lair,	Stevens, J.
Fletcher,	Loving,	Thomas,
Goble,	Marshall, C. A.	Towles,
Goodson,	Marshall, W. N.	Watts,
Graham,	McHenry,	Wortham—43.
Gray,		

Mr. Innes moved the previous question.

And the question was taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the resolution, as amended, be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Caldwell and Paris, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Haydon,	Snyder,
Atkinson,	Hazlerigg,	Sprigg,
Botts,	Innes,	Stephens, N. B.
Brent,	Kirtley,	Stockton,
Buckner,	Latimer,	Taylor,
Bush,	Marshall, C. A.	Thomasson,
Chilton,	Marshall, W. C.	Triplett,
Colyer,	Mason,	Trussell,
Combs,	Morgan,	Vance,
Crenshaw,	Newell,	Wakefield,
Cunningham,	Park,	Waring,
Curle,	Raymon,	Watkins,
Ford,	Riffe,	White,
Forman,	Rudd,	Williams,
Gabbert,	Shaw,	Woodson—46.
Hart,		

Those who voted in the negative were—

Mr. Speaker,	Gray,	Nance,
Messrs. Brien,	Haggard,	Paris,
Bruton,	Harding,	Perciful,
Caldwell,	Hardin,	Reeves,
Calhoon,	Harrison,	Rowlett,
Chenault,	Hawkins,	Shuck,
Cofer,	Hays,	Smith, B.
Craddock,	Howard,	Smith, H. H.
Curd,	Imboden,	South,
Davidson,	Johnson,	Speed,
Draffin,	Lackey,	Stevens, J.
Fletcher,	Lair,	Thomas,
Goble,	Loving,	Towles,
Goodson,	Marshall, W. N.	Watts,
Graham,	McHenry,	Wortham—45.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills and a resolution which originated in this House, of the following titles, viz:

An act to extend the July term of the Bullitt Circuit Court.

An act to allow an additional Justice of the Peace to the county of Bath.

An act for the benefit of the Clerk of the Adair Circuit Court.

An act to change the time of holding the Trimble County Court.

An act to amend an act, entitled, an act to amend an act establishing a State road from Litchfield, in Grayson county, to Munfordville, in Hart county.

An act for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.

An act to change the time of holding the Bullitt County Court.

An act to divorce Burilla W. Littleton from her husband, Joseph D. Littleton.

An act to change the time of holding the Lawrence County Court.

An act to change the place of voting in the Upper election precinct, in Bath county.

An act to authorize an additional Constable in Logan county.

An act to establish an additional election precinct in Hardin county.

An act to establish an election precinct at the town of Lewis Port, in the county of Hancock.

An act for the benefit of the Sheriff of Clinton county.

An act to change the time of holding the Clinton County Court.

An act to change the places of voting in certain election precincts in Floyd county.

An act to incorporate the Trustees of Gamaliel School house, in Monroe county.

A resolution to examine Transylvania University and the Lunatic Asylum.

Approved December 19, 1840.

And then the House adjourned.

MONDAY, DECEMBER 21, 1840.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to continue in force an act establishing the office of Second Auditor, and for other purposes.

An act providing for a change of venue in two prosecutions now pending against Edward Parks.

An act for the benefit of the Clerk of the Graves County Court.

An act to amend the charter of the City of Covington, and for other purposes.

With amendments to the two last named bills.

And that they had passed bills of the following titles, viz:

An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.

An act to amend the charter of the Frankfort Bridge Company.

An act for the benefit of Benjamin H. Reeves.

An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.

An act to regulate the fees of the Marshal of the Louisville Chancery Court.

An act for the benefit of the Clerk of the Circuit and County Courts of Spencer county.

An act to repeal, in part, the several acts concerning the town of South Frankfort.

Mr. George C. Thompson, a member returned to serve in this House from the county of Mercer, in the place of Thomas P. Moore, resigned, appeared, and having produced a certificate of his election and of his having taken the oaths prescribed by the constitution and laws of this State and of the United States, took his seat.

1. Mr. Calhoon presented the petition of Lucy Robertson, executrix of Thomas Robertson, deceased, praying the passage of a law authorizing her to sell some of the real estate to pay the debts.

2. Mr. Haggard presented the petition of the Trustees of the Cumberland Female Academy, praying compensation for land which had been granted to said Academy, but which has, by a decision of the Court of Appeals, been lost.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice; and the 2d to the committee on Education.

The House again resumed the consideration of the report of the committee for Courts of Justice, rejecting the resolution instructing the committee for Courts of Justice to enquire into the expediency of vesting the Judges of the Circuit Courts with power to grant changes of venue in prosecutions of felony.

The said resolution of the committee for Courts of Justice was then twice read and concurred in.

On motion of Mr. Caldwell,

Ordered, That the Public Printer forthwith print 150 copies of the communication of the Auditor of Public Accounts in relation to the Lexington and Ohio Railroad.

Mr. Cunningham moved the following resolution, viz:

Resolved, That the committee on the Public Printing be instructed to enquire into the expediency of so altering the present mode of printing and distributing the Acts of the Legislature, as to print and bind only the acts and resolutions of a general nature, for general distribution; and report to this House.

Which being twice read, was adopted.

Mr. Haggard moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be required to enquire into the propriety and expediency of so changing the law as to give the power to Circuit Judges at any time to grant divorces, in all cases whatever, when a sufficient case shall be made out; thereby preventing the so frequent occurrence of applications to the Legislature; and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Towles moved the following resolutions, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of reporting a bill extending the charter of the Bank of the Commonwealth for six years, from and after the 1st day of January, 1841.

Resolved, That said committee so amend said charter as to authorize the President and Directors of said Bank to procure notes of a denomination not less than five dollars; and that the said President and Directors be authorized to redeem the Bonds of this State which are payable in six years from their date, and which were issued in pursuance of an act approved Febr'y 21, 1840, as far as practicable, by giving said Bank notes in exchange for them.

Resolved, That the said President and Directors of said Bank be, by said bill, constituted and made the Commissioners of the Sinking Fund; and that they be authorized and required to receive and pay over all sums of money which may now belong to the Sinking Fund, or may be raised in aid thereof; and to do and perform all other acts and duties which the said Commissioners may now lawfully do and perform, by virtue of their office.

Resolved further, That said committee be instructed so to amend said charter, that the said President and Directors shall not issue or have in circulation (at any one time) a greater amount of said notes than the resources of the Sinking Fund will enable them to redeem; and all sums of money which now belong, or shall hereafter be raised in aid of said fund, be constituted the capital stock of said Bank.

Ordered, That the consideration of said resolutions be postponed for the present; and that the Public Printer forthwith print 150 copies of said resolution, for the use of the members of the General Assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Cunningham—1. A bill more effectually to guard against slaves (hereafter emancipated in this Commonwealth) becoming a charge to any county in the same.

On the motion of Mr. Haggard—2. A bill for the relief of Alvis N. Harris, of the county of Cumberland, and for other purposes.

On the motion of Mr. Hawkins—3. A bill for the better regulation of costs and Clerks' fees, and for other purposes.

On the motion of Mr. Park—4. A bill to alter the time of holding the Estill County Court.

On the motion of Mr. Mason—5. A bill for the benefit of the Sheriff of Garrard county.

On the motion of Mr. A. Harding—6. A bill for the benefit of mechanics of this Commonwealth.

On the motion of Mr. Wortham—7. A bill for a State road from Feliciana, in Graves county, to Boydsville, on the State line, in Weakley county, Tennessee.

On the motion of Mr. Vance—8. A bill to prohibit Attorneys and Counsellors at Law from becoming securities in certain cases.

On the motion of Mr. Woodson—9. A bill to encourage the agriculture of the county of Jessamine.

On the motion of Mr. Watts—10. A bill to change the place of voting in two election precincts in Livingston county.

On the motion of Mr. Goble—11. A bill to transfer the vacant lands and proceeds thereof, in Lawrence county, to the use of Common Schools.

On the motion of Mr. Reeves—12. A bill authorizing a re-survey of the line between the counties of Todd and Christian, extending south to the parallel of 36 degrees 30 minutes north.

On the motion of Mr. Imboden—13. A bill to give the Sheriff of Union county further time to return his delinquent list of muster fines for the year 1840.

Ordered, That Messrs. Cunningham, W. C. Marshall, Calhoon, Reeves, Johnson, Speed, Curd and Forman prepare and bring in the 1st; Messrs. Haggard, B. Smith, Harrison and Kirtley the 2d; the committee for Courts of Justice the 3d, 6th and 12th; Messrs. Park, Combs and Ford the 4th; the committee on Claims the 5th; Messrs. Wortham, Brien, Shaw and Lackey, the 7th; the committee on Ways and Means the 8th; Messrs. Woodson, Cunningham and Forman the 9th; Messrs. Watts, Towles, Fletcher and Wortham the 10th; the committee on Education the 11th; Messrs. Imboden, Latimer and H. H. Smith the 13th.

Mr. Innes asked leave to withdraw the petition of John Paul; which was granted, and the petition withdrawn.

Mr. B. Smith asked leave to withdraw the petition of Sally Burton; which was granted, and the petition withdrawn.

Mr. Hays moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of reporting a bill prohibiting the County Court Clerks of this Commonwealth from practising law in the Circuit Courts of the same county in which they hold the office of Clerk.

Which being twice read, was adopted.

Mr. Fletcher moved the following resolution, viz:

Resolved, That the Governor communicate to this House whether any person has been appointed to examine the books of the Receiver of Public Moneys for the land district west of the Tennessee river, in conformity to the resolution of the General Assembly of the Commonwealth of Kentucky, approved Feb. 5, 1840; and that he also communicate the result of such examination fully to this House, and every matter materially touching the various accounts and settlements of said Receiver, generally, as he may deem expedient.

Which being twice read, was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill authorizing the Cumberland County Court to convey certain real estate.

By same—2. A bill to enlarge the town of Owenboro', and for other purposes.

By the committee on Education—3. A bill dispensing with the services of the Superintendent of Common Schools.

By Mr. Brien—4. A bill to change the time of holding the Circuit Courts in the 16th Judicial district.

By Mr. Thomas—5. A bill to authorize the County Court of Campbell to appoint an additional Constable in said county.

By Mr. Bush—6. A bill to change the name of Kenaz F. Hatton to that of Kenaz F. Daniel.

By Mr. N. B. Stephens—7. A bill for the benefit of Thos. Cunningham.

By Mr. H. H. Smith—8. A bill to change the place of voting in an election precinct in Hopkins county.

By Mr. Innes—9. A bill to ascertain the criminal statistics of this Commonwealth.

By Mr. Hays—10. A bill to enlarge the Seventh Constable's district in Hardin county.

By Mr. Adams—11. A bill to establish an election precinct in the county of Perry, and for other purposes.

By Mr. Lair—12. A bill to repeal so much of the Internal Improvement laws as relates to the appointment of Engineers.

By Mr. Johnson—13. A bill for the relief of contractors on public works.

By Mr. Loving—14. A bill for the benefit of John Lewis, and others.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 5th, 6th, 7th, 8th, 10th, 11th and 14th were severally ordered to be engrossed and read a third time; the 4th and 9th were referred to the committee for Courts of Justice; and the 12th and 13th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 5th, 6th, 7th, 8th, 10th, 11th and 14th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to amend the charter of the City of Covington, and for other purposes.

An act for the benefit of Catharine J. Lloyd.

Were twice read, and concurred in.

A message was received from the Senate, announcing the passage of bills and a resolution from that House, of the following titles, viz:

An act to divorce Catharine Collins.

An act for the benefit of the Sheriff of Campbell county.

A resolution to examine the Deaf and Dumb Asylum, at Danville.

Ordered, That the amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Clerk of the Graves County Court—be referred to the committee on Ways and Means.

Mr. Sprigg moved the following resolutions, viz:

Resolved, That the President and Directors of the Lexington and Ohio Railroad Company report to this House the names of all the stockholders in said road, and the amount of stock held by each of them in said road, and the amount of money due to the company by such stockholder for the stock purchased by him, and the exact amount of money which was paid in by each stockholder on the 25th day of February, 1833; and to report the different descriptions of property now owned by the company, and to report an estimate of its value, and the annual profits which the company derive from their property.

Resolved further, That the said President and Directors report to this House the amount of money which has been annually received by the company, for freight and passengers, since the cars commenced running on said road, and the annual expenditures of the company in running their cars.

Resolved, That they report, also, the amount of money which has been expended on each division of said road in the construction thereof, and the amount of money now owing by the company, and the amount of money which the company has borrowed upon bonds guaranteed by the city of Louisville.

Resolved, That the foregoing resolutions be communicated to the Governor of this Commonwealth, and that he is hereby respectfully solicited to procure and to lay before this House the information required, as soon as possible.

Which being twice read, were adopted.

Mr. Craddock moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of amending the law permitting Justices of the Peace to receive money on replevin bonds in their respective offices.

Which being twice read, was adopted.

Ordered, That the joint resolution read and laid on the table by Mr. Davidson, be further postponed until the first day of January next.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to a resolution from the Senate, for a recess of the General Assembly.

A bill from the Senate, entitled, an act concerning the record books of the County and Circuit Courts of Madison—was read the second time.

Ordered, That the said bill be referred to the committee for Courts of Justice.

Ordered, That a bill from the Senate, entitled, an act to run and mark the dividing line between Franklin and Scott counties—be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend an act, entitled, an act to amend an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles—was read the second time.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the Senate, of the following titles, viz:

1. An act to divorce Eleanor M. Tator, and to change the name of John G. Tator.
2. An act for the benefit of Thos. Prator, committee for Josiah Prator.
3. An act to change the place of voting in Caldwell county from Pearce's mill to the house of Samuel Jones.
4. An act for the benefit of the Sheriff of Hickman county.
5. An act to amend the several acts for the benefit of Religious Societies in this Commonwealth.

6. An act for the benefit of the Clerk of the Madison Circuit and County Courts.

7. An act for the benefit of William Russell.

8. An act to change the time of holding the Circuit Courts in the 16th Judicial district.

9. An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.

10. An act to amend the charter of the Frankfort Bridge Company.

11. An act to regulate the fees of the Marshal of the Louisville Chancery Court.

12. An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.

13. An act for the benefit of the Sheriff of Campbell county.

14. An act for the benefit of Benjamin H. Reeves.

15. An act to repeal (in part) the several acts concerning the town of South Frankfort, and for other purposes.

16. An act for the benefit of the Clerk of the Circuit and County Courts of Spencer county.

17. An act to divorce Catharine Collins.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 17th were referred to the committee on Religion; the 2d, 3d, 4th, 9th, 12th, 14th, 15th and 16th were severally ordered to be read a third time; the 5th, 6th, 8th and 11th were referred to the committee for Courts of Justice; the 7th and 13th to the committee on Ways and Means; and the 10th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 9th, 12th, 14th, 15th and 16th bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Vance moved the following resolution, viz:

Resolved, That James B. Marshall be permitted to take a seat within the bar of this House, for the purpose of reporting its proceedings.

Which being twice read, was adopted.

Bills of the following titles, viz:

A bill to repeal an act, entitled, an act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

A bill to change the time of holding the Oldham Circuit Court.

Were read the second time, and ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

TUESDAY, DECEMBER 22, 1840.

A message was received from the Senate, announcing that they recede from their first amendment to a bill from this House, entitled, an act regulating proceedings before Justices of the Peace.

That they had disagreed to bills from this House of the following titles:

An act for the benefit of the estate of John Robbins, deceased.

An act for the benefit of Joseph L., Wm. A., and David H. M. Philips.

That they had passed bills from this House, of the following titles, viz:

An act to divorce Charles Butts.

An act to allow an additional Justice of the Peace to Caldwell county, and for other purposes.

An act allowing an additional Constable to Warren county.

An act to allow an additional Constable to Calloway county.

An act for the benefit of the Trustees of the Baptist Church, at Providence, and for other purposes.

An act for the benefit of Polly Starling, and others.

An act to change the place of voting from the house of James Howell to that of Joseph H. Ferrell, in Hardin county, and for other purposes.

An act to authorize the County Court of Bourbon county to sell the lands on which the poor house is, and for other purposes.

An act concerning the estate of James Haggin, deceased.

An act allowing additional Justices of the Peace and a Constable to certain counties.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

An act to change the names of Emeline and Amanda Tolin, and for other purposes.

An act to change the time of holding certain of the terms of the Jessamine County Court.

1. Mr. N. B. Stephens presented the petition of sundry citizens of Grant county, against adding any portion of said county to the county of Owen.

2. Mr. Hawkins presented the petition of sundry citizens of Carrolton, praying for an alteration in their town laws.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee on Propositions and Grievances, and the 2d to Messrs. Hawkins, Loving and Davidson.

Mr. Ford, from the committee on Religion, reported a bill to divorce Thomas A. Palmer.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Mason, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Sheriff of Campbell county—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Draffin moved the following resolution, viz:

Resolved, That the use of the Hall of the House of Representatives be tendered to Doctor Tompkins, for the purpose of delivering a course of Lectures on the science of Phrenology, at night, during the next week.

Which being twice read, was adopted.

Mr. Calhoon moved the following resolution, viz:

Resolved, That it is expedient to provide, by taxation, if necessary, such a sum as will be amply sufficient to enable the Sinking Fund to discharge promptly the amount of interest which may become due upon the State bonds; and thereby preserve untarnished the credit of the State.

Resolved further, That it is inexpedient to raise money by taxation, for the purpose of carrying on the system of Internal Improvement; that the extent to which it would be expedient to go for that object, would be (in the event of all other means failing) to raise such a sum as will be required to place the important works in a state of preservation.

Mr. Buckner moved the following as an addition to said resolutions:

Resolved, That it is expedient to raise, by taxation or otherwise, a sum sufficient to make the annual revenue equal to the sum absolutely required for the ordinary expenditures of the State.

Mr. Davidson moved to lay said resolutions upon the table.

A division of the question being called for, the question was taken on laying the first resolution on the table, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Calhoon and Brent, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Botts,	Johnson,	Paris,
Brien,	Lackey,	South,
Caldwell,	Morgan,	Wortham—11.
Goble,	Nance,	

Those who voted in the negative were—

Mr. Speaker,	Forman,	Perciful,
Messrs. Atkinson,	Goodson,	Raymon,
Brent,	Graham,	Reeves,
Bruton,	Gray,	Shaw,
Buckner,	Haggard,	Shuck,
Bullock,	Harrison,	Smith, B.
Bush,	Hawkins,	Smith, H. H.
Calhoon,	Haydon,	Speed,
Chilton,	Innis,	Sprigg,
Clay,	Kirtley,	Stephens, N. B.
Craddock,	Latimer,	Thompson,
Cunningham,	Loving,	Towles,
Curd,	Marshall, C. A.	Triplett,
Davidson,	Mason,	Trussell,
Draffin,	McHenry,	Watts,
Fletcher,	Newell,	White,
Ford,	Park,	Woodson—51.

On motion,

Ordered, That said resolutions be postponed to, and made the special order of the day for January 5th, 1841.

Ordered, That the bill to repeal the law of 1833, prohibiting the importation of slaves, and for other purposes, be made the special order of the day for Monday, the 4th day of January next.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is in the following words, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, December 22, 1840.

SIR:

I have the honor to lay before the House of Representatives, the report of the Chief Engineer, with the accompanying report of the Commissioners appointed to assess the damages sustained by Joel Thomasson, by the construction of the Kentucky river navigation.

Respectfully, &c.

JAS. T. MOREHEAD.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

Engineers' Office,
Frankfort, December 11, 1840.

Hon. James T. Morehead,
President of the Board of Internal Improvement.

Sir:

I have the honor, in compliance with the provisions of law, to transmit herewith, a report from a majority of the Commissioners appointed to assess the damages sustained by Joel Thomasson, by the construction of the Kentucky river navigation.

I have the honor to be, your obedient servant,

SYLVESTER WELCH,
Chief Engineer of Kentucky.

A written application having been made to the Board of Internal Improvement of the State of Kentucky, by Joel Thomasson, of the county of Franklin, of said State, for damages done to his (the said Thomasson's) mill, situated upon Glenn's creek, in said county of Franklin; and the said application having been referred to the undersigned, agreeably to an act of Assembly, entitled, an act to provide the mode of compensating owners of mills injured by slackwater navigation, approved Feb. 21, 1840—the undersigned hereby appoints Mathew R. Stealey, Resident Engineer of the Kentucky river navigation, and William Woods and Richard Jackson, both of the county of Woodford, Commissioners, to assess the damages done, or which will be done, to the mill of said Joel Thomasson, by the construction of the slackwater navigation on the Kentucky river, agreeably to the act of Assembly above referred to.

SYLVESTER WELCH, *Chief Engineer of Ky.*
Engineers' Office, Frankfort, Ky.,
August 19, 1840.

The undersigned, having been appointed Commissioners, in conjunction with Mathew R. Stealey, by the Chief Engineer of Kentucky, for the purpose of assessing the damages sustained by Joel Thomasson, by reason of lock and dam No. 4 overflowing his mill seat, on Glenn's creek, in Franklin county, proceeded to the said mill seat on the 24th day of August, 1840; and after being first duly sworn, would respectfully report: That they believe said mill seat is entirely destroyed, by reason of the back water occasioned by the said lock and dam No. 4. We further believe that the adjoining land of said Thomasson is not enhanced in value. We therefore assess the damages of said Thomasson at one thousand dollars, for the above reasons. Given under our hands, this 24th day of August, 1840.

RICH. G. JACKSON,
Woodford county, Ky. WM. WOODS.

I concur in the above statement, except in the assessment of damages sustained, which, in my judgment, does not exceed *seven hundred dollars.*

M. R. STEALEY,
Resident Engineer Ky. River Navigation.

Ordered, That said communication be laid on the table; and that the Public Printer forthwith print 150 copies of the same, for the use of the members of the General Assembly.

Mr. Haggard read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the —— day of January next, proceed to the election of Treasurer and Public Printer.

And then the House adjourned.

WEDNESDAY, DECEMBER 23, 1840.

There being no quorum present, the House adjourned.

MONDAY, DECEMBER 28, 1840.

There being no quorum present, the House adjourned.

TUESDAY, DECEMBER 29, 1840.

There being no quorum present, the House adjourned.

WEDNESDAY, DECEMBER 30, 1840.

1. Mr. Towles presented the petition of the New York Historical Society, praying a donation from this State of certain books, &c.

2. Mr. Haggard presented the petition of John L. Kennedy, praying the passage of a law remunerating him for money received by him on a pension certificate, of which he was robbed.

3. Mr. Reeves presented the petition of James M. Gatewood and Ann A. Gatewood, praying the passage of a law authorizing a sale of their interest in certain real estate.

4. Mr. Vance presented the petition of sundry citizens of Jefferson county, praying a change in the place of voting in an election precinct in said county.

5. Mr. Davidson presented the petition of Mrs. Rosannah Boggess, praying the passage of a law allowing her to hold property in her own right, and free from the control of her husband.

6. Also, the petition of Grandison Catlett, praying to be divorced from his wife, Nancy Catlett.

7. Mr. Loving presented the petition of Ann E. McCoun, praying to be divorced from her husband, Nathaniel McCoun.

8. Also, the petition of William Allen, administrator of Anguis McDonald, deceased, praying a confirmation of a sale, made by him, as administrator aforesaid, of a slave belonging to said decedent's estate.

9. Mr. J. P. Hardin presented the petition of sundry citizens of Nelson county, praying an amendment or modification of the laws upon the subject of working on roads.

10. Mr. Bruton presented the petition of sundry citizens of the town of Mountserling, praying the passage of a law giving further powers to the Trustees of said town.

11. Mr. Draffin presented the petition of the heirs of Williamson Irvin, deceased, praying the passage of a law authorizing the sale of land and slaves devised to them.

12. Also, the petition of Fielding L. Conner, and others, praying to be added to the county of Anderson.

13. Mr. Goble presented the petition of a part of the citizens of Carter county, praying for the passage of a law allowing an additional Justice of the Peace and Constable to said county, to reside on the waters of the Buffalo Fork of Tigert's creek.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee on Education; the 2d to the committee on Claims; the 3d to Messrs. Reeves, Haggard and Harrison; the 4th to Messrs. Vance, Miller, Chilton and Taylor; the 5th to Messrs. Pittman, Davidson, Loving and McHenry; the 6th and 7th to the committee on Religion; the 8th, 10th and 11th to the committee for Courts of Justice; the 9th to Messrs. J. P. Hardin, McHenry, Towles and Reeves; the 12th to the committee on Propositions and Grievances; and the 13th to Messrs. Goble, Reeves and Vance.

The Speaker laid before the House the report of the Agent of the Old Bank of Kentucky, which is in the following words, viz:

Old Bank of Kentucky,
December 18, 1840.

Sir:

A statement of the situation of this institution on the 15th instant, is herewith inclosed.

The State is the owner of 5,967 shares, and individuals of 9,076 shares, upon which a distribution will be made in January, of one dollar on each share—making fifteen thousand and forty three dollars.

The amount which has been paid since my agency, has already exceeded the estimates made at the session of 1834–'5, by the late President and Cashier. The amount which the State will hereafter receive, for her remaining interest in the institution, will be very limited; that interest, however, will be collected and paid over during the next year.

At the next session I shall be enabled to state (with certainty) the loss which will be sustained by bad debts and real estate.

Very respectfully,

H. BLANTON, *Agent.*

Hon. C. S. Morehead,
Speaker of the House of Representatives.

Statement of the situation of the Old Bank of Kentucky, Dec. 15, 1840:

Notes issued,	$30,466 64
Surplus profits,	256,295 87
Current profits,	1,527 90
Stock,	194,804 00
Due to individuals,	50,641 45
Due to other Banks,	1,295 78
	$535,031 64

Current expenses,	$438 83
Real estate,	130,149 31
Loss on real estate,	56,515 40
Defalcation at Branches,	20,012 91
Due from individuals,	305,994 65
Cash on hand and in Banks,	21,920 54
	$535,031 64

H. BLANTON, *Agent.*

The Speaker laid before the House a communication of the First Auditor of Public Accounts, which is in the following words, viz:

State of Kentucky, Auditor's Office,
December 23, 1840.

Sir:

In summing up Statement No. 3, in Auditor's annual report for the year ending and including 10th October, 1840, on last page of said report, I find a mistake in setting down total amount. Instead of $16,840 12, as there

set down, it should be $15,830 72. This correction performed, will oblige your most obedient servant,

BEN. SELBY, *Auditor Public Accounts.*

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled, an act to establish an election precinct in Harlan county, and for other purposes.

A message was received from the Governor, by Mr. Harlan, Secretary of State: which is in the following words, viz:

Gentlemen of the House of Representatives:

Upon the receipt of the resolution of the 21st instant, requesting the Governor to communicate to the House of Representatives whether any person had been appointed to examine the books of the Receiver of Public Money for the land district west of the Tennessee river, in conformity to the joint resolution of the General Assembly, approved February 5th, 1840, I caused an examination to be made, and ascertained that the records of the Executive Office did not show that my predecessor in office had made any appointment under the resolution. In the multiplicity of other business, it was doubtless overlooked by him. The books of the late Receiver are now in the office of the Register of the Land Office, and an appointment will be made to carry into effect the object of the resolution, so soon as a competent person can be selected.

R. P. LETCHER.

December 29, 1840.

Mr. Towles moved the following resolution, viz:

Resolved, That the use of this Hall be offered to Right Rev. B. B. Smith, Superintendent of Public Instruction, for the purpose of delivering an address on subjects connected with his office, on Thursday evening, the 31st instant.

Which being twice read, was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Military Affairs—1. A bill to amend the 77th section of the Militia Law of this State.

By Mr. Graham—2. A bill authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepherdsville.

By Mr. Haggard—3. A bill for the benefit of Alvis R. Harris, and for other purposes.

By same—4. A bill to change the time of the meeting of the General Assembly.

By Mr. Hawkins—5. A bill concerning the town of Carrollton.

By Mr. H. H. Smith—6. A bill giving the Sheriff of Union county further time to return his delinquent list.

By Mr. Watts—7. A bill to change the places of voting in two election precincts in Livingston county.

By Mr. Goble—8. A bill to allow an additional Justice of the Peace and Constable to Carter county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 3d, 5th and 7th were severally ordered to be engrossed and read a third time; the 6th was referred to the committee on Military Affairs; and the 8th to Messrs. Goble, Haggard and Lackey.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 5th and 7th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Harrison—1. A bill to amend an act requiring the owners and proprietors of shows to pay taxes, and for other purposes.

On the motion of Mr. A. Harding—2. A bill to change the place of voting in the Campbellsville Precinct, in Green county.

On the motion of Mr. Innes—3. A bill to change the time of holding the Harrison Circuit Court.

On the motion of Mr. Hays—4. A bill to amend an act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved December 11th, 1839.

On the motion of Mr. Davidson—5. A bill for the benefit of D. A. Martin.

On the motion of same—6. A bill allowing the Sheriff of Muhlenburg county further time to return his delinquent list of revenue for the year 1840.

On the motion of Mr. Perciful—7. A bill for the benefit of Joseph Atwell, committee of William Simmons.

On the motion of Mr. Speed—8. A bill to incorporate the Nelson county Mutual Insurance Company.

On the motion of Mr. Sprigg—9. A bill for the adjustment of certain claims of Lud Fore against the Commonwealth of Kentucky.

On the motion of same—10. A bill to make more efficient and available all the resources of the Sinking Fund, and for other purposes.

On the motion of Mr. Johnson—11. A bill to incorporate the Ciceronian Society of Georgetown College.

On the motion of Mr. White—12. A bill to repeal the 25th section of an act regulating the town of Versailles.

On the motion of Mr. Loving—13. A bill to prevent the burning of the woods in a portion of Warren and Edmonson counties.

On the motion of same—14. A bill for the benefit of the heirs of James Boggs, deceased.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 14th; Messrs. A. Harding, W. N. Marshall and Stockton the 2d; Messrs. Innes, Newell and W. C. Marshall the 3d; Messrs. Hays, Loving and Cofer the 4th; Messrs. Pittman, Davidson, McHenry and Loving the 5th; the committee on Ways and Means the 6th; Messrs. Perciful, Calhoon and Craddock the 7th; Messrs. Speed, J. P. Hardin, Thompson, Caldwell and McHenry the 8th; Messrs. Sprigg, Ford and Vance the 9th; Messrs. Sprigg, Calhoon, Towles and Cofer the 10th; the committee on Education the 11th; Messrs. White, Draffin and McHenry the 12th; Messrs. Loving, Kirtley and Davidson the 13th.

The amendments proposed by the Senate to a bill from this House, entitled, an act allowing additional Justices of the Peace and a Constable to certain counties—were twice read, and concurred in.

Bills from the Senate, of the following titles, viz:

An act to change the names of Emeline and Amanda Tolin, and for other purposes.

An act to change time of holding certain of the terms of the Jessamine County Court.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A resolution from the Senate, to examine the Deaf and Dumb Asylum, at Danville—was taken up, twice read, and disagreed to.

An engrossed bill, entitled, an act to amend an act reserving certain property from execution, and for other purposes—was read a third time.

Mr. Draffin moved to amend said bill, by adding thereto the following clause, by way of engrossed ryder, viz:

Be it further enacted, That in addition to the articles now exempt by law from execution or distress, there shall be exempt from execution and distress, one bed and bedding; one table; one set of chairs; and such necessary table furniture as may be necessary for the comfort of the family: *Provided however*, That such exemption shall not apply to any but *bona fide* housekeepers, with a wife and children; nor shall this act apply to contracts heretofore made.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Draffin and Fletcher, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Hardin,	Newell,
Bruton,	Hawkins,	Rowlett,
Curd,	Johnson,	Towles,
Davidson,	Loving,	Vance,
Draffin,	Nance,	Wortham—16.
Fletcher,		

Those who voted in the negative were—

Mr. Speaker,	Goodson,	Reeves,
Messrs. Atkinson,	Graham,	Smith, H. H.
Botts,	Haggard,	South,
Buckner,	Harding,	Speed,
Bush,	Harrison,	Sprigg,
Caldwell,	Hays,	Stephens, N. B.
Calhoon,	Innes,	Stockton,
Chilton,	Kirtley,	Taylor,
Cofer,	Lackey,	Thompson,
Craddock,	Marshall, W. N.	Triplett,
Cunningham,	Mason,	Trussell,
Curle,	McHenry,	Watts,
Ford,	Paris,	White,
Gabbert,	Perciful,	Williams,
Goble,	Raymon,	Woodson—45.

Mr. Caldwell then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and South, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Curle,	Loving,
Messrs. Atkinson,	Davidson,	Nance,
Botts,	Gabbert,	Raymon,
Brien,	Haggard,	Rowlett,
Bruton,	Harding,	Stephens, N. B.
Buckner,	Hardin,	Stockton,
Bush,	Harrison,	Taylor,
Caldwell,	Hawkins,	Thompson,
Calhoon,	Hays,	Triplett,
Chilton,	Innes,	Trussell,
Craddock,	Kirtley,	Vance,
Cunningham,	Lackey,	Williams,
Curd,	Latimer,	Woodson—39.

Those who voted in the negative were—

Messrs. Cofer,	Marshall, W. N.	South,
Draffin,	Mason,	Speed,
Fletcher,	McHenry,	Sprigg,
Ford,	Newell,	Towles,
Goble,	Paris,	Watts,
Goodson,	Reeves,	White,
Graham,	Smith, H. H.	Wortham—22.
Johnson,		

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Paris and Sprigg, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Goble,	Perciful,
Messrs. Atkinson,	Goodson,	Raymon,
Botts,	Graham,	Reeves,
Brien,	Haggard,	Rowlett,
Bruton,	Harding,	Smith, H. H.
Buckner,	Hardin,	Speed,
Bush,	Harrison,	Stephens, N. B.
Caldwell,	Hawkins,	Stockton,
Calhoon,	Hays,	Taylor,
Chilton,	Innes,	Thomas,
Cofer,	Johnson,	Thompson,
Craddock,	Kirtley,	Triplett,
Cunningham,	Lackey,	Trussell,
Curd,	Latimer,	Vance,
Curle,	Loving,	Watts,
Davidson,	Marshall, W. N.	White,
Draffin,	Mason,	Williams,
Fletcher,	McHenry,	Woodson,
Ford,	Nance,	Wortham—59.
Gabbert,	Newell,	

Those who voted in the negative were—

Messrs. Paris,	Sprigg,	Towles—4.
South,		

Resolved, That the title thereof be as aforesaid.

The Speaker laid before the House the report of the Superintendent of Public Instruction, which is in the following words, viz:

Department of Education,
Lexington, December 28, 1840.

To C. S. Morehead, Esq.,
Speaker of the House of Representatives.

Dear Sir:

I have the honor, through you, to lay the report of the Board of Education before the General Assembly of the Commonwealth of Kentucky.

B. B. SMITH, *Superintendent of Public Instruction for the Commonwealth of Ky.*

[*For the report, see Legislative Documents, page* 315.]

Ordered, That the Public Printer forthwith print 500 copies of said report, for the use of the members of this House.

And then the House adjourned.

THURSDAY, DECEMBER 31, 1840.

1. Mr. Mason presented the petition of Elizabeth Adams, praying to be released from the restriction imposed by the statute upon persons obtaining divorces in Circuit Courts.

2. Mr. Hawkins presented the petition of Fanny Robyler, praying to be divorced from her husband, Joshua Robyler.

3. Mr. Thomas presented the petition of Matilda Wood, praying to be divorced from her husband, George G. Wood.

4. Mr. Speed presented the petition of Patience Murray, praying to be divorced from her husband, Robert Murray.

5. Mr. Davidson presented the petition or memorial of the contractors on public works south of Green river, praying the passage of a law providing for the payment of the amount due them by the State.

6. Mr. Loving presented the petition or memorial of sundry contractors on the public works south of Green river, upon the same subject.

7. Mr. Kirtley presented the petition or memorial of sundry contractors on the public works south of Green river, upon the same subject.

8. Mr. Fletcher presented the petition of sundry citizens of McCracken and Hickman counties, praying the establishment of a new county out of parts of said counties.

9. Mr. Mason presented the petition of Jane Dodd, praying the passage of a law to reimburse her for money paid in procuring the attendance of a

witness on the part of the Commonwealth vs. James Beeler, who was convicted of felony in the Garrard Circuit Court.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st, 2d, 3d and 4th to the committee on Religion; the 5th, 6th and 7th to the committee on Internal Improvement; the 8th to the committee on Propositions and Grievances; and the 9th to the committee on Claims.

The committee for Courts of Justice, to whom was referred the petition of the heirs of John Hutchinson, deceased; the petition of Elizabeth Broady; and the petition of Julia Rouse, and others—reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which, being twice read, was concurred in.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

1. An act to amend the several acts for the benefit of Religious Societies in this Commonwealth.

2. An act for the benefit of the Clerk of the Madison Circuit and County Courts—reported the same without amendment.

Ordered, That the first bill be read a third time.

And the question being taken on ordering the second bill to be read a third time, it was decided in the negative.

And so the said bill was disagreed to.

Mr. A. Harding, from the same committee, to whom was referred a bill to ascertain the criminal statistics of this Commonwealth—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

Mr. Loving, from the same committee, to whom was referred a bill from the Senate, entitled, an act concerning the record books of the County and Circuit Courts of Madison—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

Mr. Ford, from the committee on Religion, to whom was referred the petition of Martha A. Clark—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which, being twice read, was concurred in.

Mr. Ford, from the same committee, asked to be discharged from the further consideration of a leave to bring in a bill for the benefit of Obadiah Johnson; which was granted.

Mr. Ford, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act to divorce Eleanor M. Tator, and to change the name of John G. Tator.

An act to divorce Catharine Collins—reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill to amend the law authorizing the change of venue in civil cases.

On the motion of Mr. Haggard—2. A bill to incorporate the Methodist Episcopal Church in Cumberland county, on Crocus creek.

On the motion of Mr. Hawkins—3. A bill to allow Sheriffs further time to return their delinquent lists.

On the motion of Mr. Triplett—4. A bill for the benefit of Priscilla Ann Brown.

On the motion of Mr. Gray—5. A bill authorizing the Grayson County Court to change certain parts of the State roads leading through said county.

On the motion of Mr. N. B. Stephens—6. A bill for the benefit of James Morgan, Esq.

On the motion of Mr. Towles—7. A bill to amend an act, entitled, an act to amend and reduce into one the several acts concerning the town of Henderson, approved December, 1839.

On the motion of Mr. Craddock—8. A bill to amend the laws concerning pedlars and itinerant retailers of merchandize, and for other purposes.

On the motion of Mr. Davidson—9. A bill more effectually to prevent free negroes from coming into this State.

On the motion of Mr. Bruton—10. A bill to prohibit owners of slaves from placing said slaves on a farm to live, without an overseer.

On the motion of Mr. Rowlett—11. A bill to regulate the Superintendents on the public works in this Commonwealth, and for other purposes.

On the motion of Mr. Johnson—12. A bill to amend the law of descent.

On the motion of Mr. Loving—13. A bill more effectually to punish malicious mischief in this Commonwealth.

On the motion of same—14. A bill to amend the penal laws of this Commonwealth.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 2d, 10th, 12th, 13th and 14th; Messrs. Hawkins, J. P. Hardin and McHenry the 3d; the committee on Religion the 4th; Messrs. Gray, Cofer and Hays the 5th; Messrs. N. B. Stephens, Goodson and Latimer the 6th;

Messrs. Towles, McHenry and White the 7th; Messrs. Craddock, Cofer, Hays and A. Harding the 8th; Messrs. Davidson, Woodson, W. C. Marshall, Speed, Johnson and Cunningham the 9th; and Messrs. Rowlett, W. N. Marshall, A. Harding and Crenshaw the 11th.

Mr. Goble, from the select committee to whom was referred a bill to allow an additional Justice of the Peace and Constable to Carter county—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows:

An act to allow an additional Justice of the Peace and Constable to Carter and Clinton counties.

Mr. Thompson read and laid on the table the following resolution, viz:

In the Convention which formed the Constitution of the United States, various plans were proposed on which to institute the Executive department of the Federal Government; among them, a considerable number contemplated a provision that the Chief Executive officer, after serving one term, should be ineligible to the same office. It was, however, pretermitted, or not adopted in the Constitution. Subsequently, upon numerous occasions, some of the most prominent and enlightened patriots of our country have expressed their regret that it had not been incorporated, believing that it would be a valuable conservative provision. More recently, and especially within the last few years, it has attracted the attention of the great body of the people; has been extensively, and indeed fully discussed among them; and it is believed popular opinion has settled down with remarkable unanimity in favor of it. The General Assembly of Kentucky concur in this opinion; and however averse they would be from disturbing, unnecessarily, the organic law of our Union, they believe the provision alluded to a desirable one, and this an auspicious time to bring the subject before our sister States: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives requested to invoke the appropriate action of that body, so as to submit to the Legislatures of the several States, in the mode prescribed by the Constitution, the following, as an amendment of the Constitution of the United States: "The President shall be ineligible to the same office, after the expiration of the term for which he may have been elected."

Resolved, That the Governor be respectfully requested to transmit to our Senators and Representatives in Congress, copies of these resolutions.

On motion of Mr. Speed,

Ordered, That Messrs. Thompson and Reeves be added to the committee on Agriculture and Manufactures.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Privileges and Elections—1. A bill to establish an election precinct in Calloway county, and for other purposes.

By the committee for Courts of Justice—2. A bill to incorporate the Green River Iron Manufacturing Company.

By same—3. A bill for the protection of illegitimate children.

By same—4. A bill to authorize certain County Courts to establish ferries across the Mississippi river.

By the committee on Religion—5. A bill for the benefit of Madisonia Quinn.

By Mr. McHenry—6. A bill to allow further time to Sheriffs to return their delinquent lists.

By Mr. Reeves—7. A bill for the benefit of James M. Gatewood, and Ann A. Gatewood, his wife.

By Mr. White—8. A bill to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and establish a Police Court in said town.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 2d, 5th, 6th, 7th and 8th bills having been dispensed with, the 1st, 5th, 6th, 7th and 8th were severally ordered to be engrossed and read a third time; and the 2d was referred to the committee on Agriculture and Manufactures.

The rule of the House, constitutional provision and third reading of the 1st, 5th, 6th, 7th and 8th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Sprigg,

Ordered, That Mr. Vance be added to the committee on the Expenditures of the Board of Internal Improvement.

Mr. Craddock asked leave to withdraw the petition of Roger and A. L. Jones; which was granted, and the petition withdrawn.

Mr. Newell asked leave to withdraw the petition of the heirs of John Hutchinson, deceased; which was granted, and the petition withdrawn.

The House then took up for consideration the bill to amend an act, entitled, an act to divide the State into Congressional districts.

The said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act to amend the 77th section of the militia law of this State—was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The bill to amend the several acts relative to proceedings upon appeals from the judgments of Justices of the Peace—was read the second time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all appeals hereafter taken by the defendant from the judgment of any Justice of the Peace, it shall be the duty of the Clerk, taking the appeal bond, so to frame the bond as to make the surety liable for any amount that may be recovered in the court to which the appeal is taken.

SEC. 2. *Be it further enacted*, That in all such cases, where the appeal is taken by the defendant, if the judgment of the Justice of the Peace shall be reduced in amount, and judgment be given by the court to which the appeal is taken, for an amount less than the judgment of the Justice, the defendant who took the appeal shall be entitled to recover against the plaintiff the costs occasioned by the appeal; and it shall be the duty of the court to give judgment accordingly.

Mr. Cofer then moved to lay said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Vance and Cofer, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bruton,	Harrison,	Rowlett,
Buckner,	Hawkins,	Sprigg,
Bush,	Hays,	Stephens, N. B.
Caldwell,	Innes,	Stockton,
Chilton,	Kirtley,	Taylor,
Cofer,	Lackey,	Triplett,
Curd,	Marshall, W. N.	Trussell,
Ford,	Mason,	Vance,
Gabbert,	Newell,	Wakefield,
Graham,	Paris,	Watts,
Gray,	Perciful,	White,
Haggard,	Raymon,	Williams—36.

Those who voted in the negative were—

Messrs. Atkinson,	Goble,	Reeves,
Botts,	Goodson,	Shaw,
Brien,	Harding,	Smith, B.
Calhoon,	Hardin,	Smith, H. H.

Craddock,	Johnson,	South,
Cunningham,	Latimer,	Speed,
Davidson,	Loving,	Thomas,
Draffin,	McHenry,	Thompson,
Fletcher,	Nance,	Wortham—27.

And then the House adjourned.

FRIDAY, JANUARY 1, 1841.

1. Mr. Hazlerigg presented the petition of sundry citizens of Bath county, praying a repeal of all laws authorizing the grant of licenses to retail spirituous liquors.

2. Mr. Bullock presented the petition of Thomas Devan, praying compensation for taking care of certain public arms.

3. Also, the petition of Stephen R. Chenowith, praying compensation for money expended in re-capturing Enos H. Williams, a fugitive from justice.

4. Mr. Brent presented the petition of sundry citizens of Bourbon county, praying a repeal of all laws authorizing the grant of licenses to retail spirituous liquors.

5. Also, the petition of sundry citizens of Bourbon county, praying an amendment or modification of the laws upon the subject of usury.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st and 4th to the committee on Religion; the 2d to the committee on Military Affairs; the 3d to the committee on Claims; and the 5th to the committee for Courts of Justice.

A message was received from the Senate, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Joseph L., Wm. A., and David H. M. Philips; which was granted, and the said bill accordingly withdrawn.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Caldwell—1. A bill explaining the act incorporating the Tan Theta Kappa Society of Georgetown College.

On the motion of Mr. Haggard—2. A bill for the benefit of Edmond Gibbons, of the county of Clinton.

On the motion of Mr. Buckner—3. A bill for the benefit of Henry R. Smith.

On the motion of Mr. Triplett—4. A bill authorizing the County Court of

Daviess to change that part of the State road leading from the mouth of Salt river to Shawneetown, where the same runs through the land of Joseph Carlin.

On the motion of Mr. Newell—5. A bill to amend the law concerning divorces.

On the motion of Mr. Cofer—6. A bill to incorporate an Agricultural School in the county of Hardin.

On the motion of Mr. Watts—7. A bill for the benefit of the mechanics of the town of Smithland.

On the motion of Mr. South—8. A bill to allow the county of Breathitt an additional Justice of the Peace, and for other purposes.

On the motion of Mr. Williams—9. A bill to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.

On the motion of Mr. McHenry—10. A bill for the benefit of Eliza Taylor.

On the motion of Mr. Taylor—11. A bill for the benefit of the Clerk of the County Court of Oldham county.

On the motion of Mr. Reeves—12. A bill for the benefit of Cassius M. Clay.

Ordered, That Messrs. Caldwell, Johnson and Towles prepare and bring in the 1st; Messrs. Haggard, Calhoon, Reeves and Riffe the 2d; Messrs. Buckner, Mason and McHenry the 3d; Messrs. Triplett, McHenry, Calhoon and Towles the 4th; Messrs. Newell, Draffin and White the 5th; Messrs. Cofer, J. P. Hardin, Hays, Johnson and Craddock the 6th; Messrs. Watts, Kirtley, Haggard and Harrison the 7th; Messrs. South, Goble and Wortham the 8th; the committee on Military Affairs the 9th; the committee on Religion the 10th; the committee for Courts of Justice the 11th; and the committee on Claims the 12th.

Mr. W. N. Marshall moved the following resolution, viz:

Resolved, That the Rev. Mr. Spalding have the use of the Representative Hall for Divine Worship, on the 17th instant.

Which being twice read, was adopted.

Mr. Ford, from the committee on Religion, to whom was referred the petition of Ann E. McCoun, praying for a divorce—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. W. C. Marshall moved to amend said resolution, by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Ford, from the same committee, to whom was referred the petition of Eliza Jane Smith, praying for a divorce—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which, being twice read, was concurred in.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill to reduce the salaries of certain public officers of this Commonwealth—reported the same without amendment.

On motion of Mr. A. Harding,

Ordered, That the further consideration of said bill be postponed for the present; and that the Public Printer forthwith print 150 copies of said bill, for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Claims—1. A bill for the benefit of Samuel G. Tillet, Sheriff of Garrard county.

By the committee on Religion—2. A bill to divorce Elizabeth Fox, and to change her name.

By the committee on Education—3. A bill to incorporate the Ciceronian Society of Georgetown College.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend the several acts for the benefit of Religious Societies of this Commonwealth—was read a third time.

Mr. Calhoon moved an amendment to said bill.

Mr. A. Harding then moved to re-commit said bill and amendment to the committee for Courts of Justice.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the Public Printer forthwith print 150 copies of the said bill and amendment for the use of the members of the General Assembly.

And then the House adjourned.

SATURDAY, JANUARY 2, 1841.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to change the 7th Constable's district in Hardin county.

An act to allow further time to Sheriffs to return their delinquent lists.

An act for the benefit of the Sheriff of Christian county.

With an amendment to the last named bill.

And that they had passed a bill, entitled, an act to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved February 5, 1840.

Mr. Bullock moved the following resolution, viz:

Resolved, That Leonard Bliss, Jr., one of the editors of the Louisville Journal, be permitted to take a seat within the bar of the House of Representatives, during the present session, with the view of reporting the proceedings of the General Assembly.

Which being twice read, was adopted.

On motion of Mr. McHenry,

Ordered, That the Clerk be permitted to state on the Journal, that he had committed a mistake in the Journal of the 18th December, in recording the vote of Mr. Lackey, on the adoption of the preamble in relation to a United States Bank and the Public Lands, Mr. Lackey having voted against the adoption of said preamble.

1. Mr. Forman presented the petition of James Ware, and sundry citizens of Bourbon and Mason counties, praying that the said James Ware may be divorced from his wife Elizabeth.

2. Mr. Thomas presented the remonstrance of sundry citizens of Campbell county, against the division of said county.

3. Mr. Goodson presented the remonstrance of sundry citizens of Kenton county, against the division of said county.

4. Mr. N. B. Stephens presented the petition of Amos Fisher, praying permission to change a road which runs through his farm.

5. Also, the petition of Nancy Smith, widow of Hubbard B. Smith, and guardian of her children, praying the sale of some real estate and slaves, and the proceeds may be invested in lands in the State of Missouri.

6. Mr. Goodson presented the petition of sundry citizens of Campbell and Kenton counties, praying for the division of said counties.

Which petitions and remonstrances were received, the reading thereof dispensed with, and referred: the 1st to the committee on Religion; the 2d, 3d and 6th to the committee on Propositions and Grievances; the 4th to

Messrs. N. B. Stephens, Trussell and Forman; and the 5th to the committee for Courts of Justice.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred the petition of the heirs of Wm. Irvin, deceased; and the petition of John Coyle—reported the same with the following resolution, viz:

Resolved, That said petitions be rejected; which, being twice read, was concurred in.

Mr. McHenry, from the same committee, to whom was referred leave to bring in the following bills, viz:

To amend the law authorizing the change of venue in civil cases.

For the benefit of the heirs of James Boggs, deceased—asked leave to be discharged from the further consideration of the same; which was granted.

Mr. McHenry, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of amending the law permitting Justices of the Peace to receive money on replevin bonds—asked leave to be discharged from the further consideration thereof; which was granted.

Mr. McHenry, from the same committee, to whom was referred a resolution requiring them to enquire into the expediency of prohibiting County Court Clerks from practising law in the Circuit Courts of the same county in which they hold the office of Clerk—asked leave to be discharged from the further consideration thereof.

And the question being taken thereon, it was decided in the negative.

Ordered, That said committee prepare and bring in a bill in accordance with said resolution.

Mr. Reeves, from the committee on Claims, to whom was referred the petition of Jane Dodd—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which, being twice read, was concurred in.

Mr. Bullock, from the committee on Internal Improvement, to whom was referred the petition of J. A. White—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable: which, being twice read, was concurred in.

Mr. Bush, from the committee on Military Affairs, to whom was referred a bill giving the Sheriff of Union county further time to return his delinquent list—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Speed, from the committee on Agriculture and Manufactures, to whom was referred a bill to incorporate the Green River Iron Manufacturing Company—reported the same with amendments, which were concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Sheriff of Christian county—were twice read and concurred in.

Mr. Hazlerigg moved the following resolution, viz:

Resolved, That hereafter, this House will meet at 9 o'clock in the morning, each day.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hazlerigg and Harrison, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bruton,	Harrison,	Reeves,
Cunningham,	Hays,	Rowlett,
Curd,	Hazlerigg,	Shuck,
Curle,	Lair,	Smith, B.
Draffin,	Latimer,	Smith, H. H.
Forman,	Morgan,	Triplett,
Gabbert,	Nance,	Waring,
Goble,	Newell,	Williams—26.
Harding,	Paris,	

Those who voted in the negative were—

Mr. Speaker,	Haggard,	Riffe,
Messrs. Atkinson,	Hardin,	Shaw,
Brent,	Hart,	South,
Brien,	Hawkins,	Speed,
Buckner,	Haydon,	Sprigg,
Bullock,	Innes,	Stephens, N. B.
Bush,	Kirtley,	Stockton,
Calhoon,	Lackey,	Taylor,
Chilton,	Loving,	Thomas,
Clay,	Marshall, W. C.	Thomasson,
Cofer,	Marshall, W. N.	Thompson,
Craddock,	Mason,	Trussell,
Davidson,	McHenry,	Vance,

Fletcher,	Miller,	Wakefield,
Ford,	Mitchell,	Watts,
Goodson,	Perciful,	White,
Graham,	Raymon,	Wortham—52.
Gray,		

Mr. White moved the following resolution, viz:

Resolved, That the Rev. Joseph Stiles be tendered the use of this Hall, during the present session, for the purpose of Divine Worship, on such Sabbath days as may suit his convenience: provided, the same be not otherwise occupied.

Which being twice read, was adopted.

Mr. Sprigg read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Attorney General of this Commonwealth shall institute proceedings, judicial or otherwise, as may be found necessary, to compel the Lexington and Ohio Railroad Company, its President and Directors, to pay back to the State of Kentucky the sum of money due to her from the company, by reason of dividends having been declared by the President and Directors thereof, upon a large amount of money paid by the State to the company, for stock subscribed by the State in said road, and which should have been applied towards the construction of the road, but which was, by action of the President and Directors thereof, distributed among the other stockholders in said road, as their distributive shares of the profits resulting from the use of the road.

Resolved further, That the Attorney General report to the next General Assembly of the Commonwealth of Kentucky, the acts done by him under the foregoing resolution, and if he has omitted to put into execution any authority or power which, by the said foregoing resolution, or by his official authority and duties under existing laws, he may exercise to recover the debts due the State; he is hereby required to report also to the General Assembly, his reasons and grounds for such omission of his powers and duties.

Ordered, That the Public Printer forthwith print 150 copies of said resolutions, for the use of the members of the General Assembly.

The Speaker laid before the House a report from the President of the Board of Internal Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 2, 1841.

SIR:

I have the honor to communicate to the House of Representatives, the report of the Chief Engineer, enclosing the assessment made by Commissioners appointed in pursuance of the act of the General Assembly, entitled, "an act to provide the mode of compensating owners of mills injured by slackwater navigation," of damages done to the mill of James Newton, on Rough creek, by the Green and Barren river navigation.

With great respect, &c.

JAS. T. MOREHEAD.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives

ENGINEER'S OFFICE, FRANKFORT,
January 2, 1841.

SIR:

In compliance with the provisions of an act of Assembly, entitled, "an act to provide the mode of compensating owners of mills injured by slackwater navigation," I have the honor to transmit, herewith, a report of H. J. Eastin and James W. Johnson, Commissioners, appointed to assess the damages done to the mill of James Newton, situated upon Rough creek, in the county of Ohio, by the construction of the slackwater navigation upon Green river.

I am, sir, very respectfully,
Your obedient servant,
SYLVESTER WELCH,
Chief Engineer of Kentucky.

Hon. JAMES T. MOREHEAD,
President of the Board of Internal Improvement of Kentucky.

OWENBOROUGH, *December* 24, 1840.

SIR:

Under your order, appointing us, in conjunction with Hugh McNairy, of the county of Muhlenburg, to assess the damages done by the pool from lock and dam No. 2, on Green river, to the mill of James Newton, on Rough creek, in Ohio county, we report as follows:

That Mr. McNairy could not attend at the seat of the mill, in consequence of indisposition, having been once informed by H. J. Eastin, the Resident Engineer, and failed to attend; and the day on which we met, by James Newton; that on the 3d day of November, we having met at the mill seat, called before us several witnesses, to-wit: Zachariah Field, Martin Hudson, Samuel Tanner, Benjamin Smith, Everard Williams and Richard L. May; who all agreed in the main fact, that the mill seat was damaged to the amount of from $1,500 to $2,000, and some ranging even higher than these sums; that the above witnesses all live in the immediate vicinity of said mill seat; and further state that said mill was suffered to go to waste and decay, and finally fell down and was carried off by the freshets of Rough creek, as we were informed by said witnesses and the said Newton, in consequence of the slackwater navigation made in Green river.

They state, that from (the evidence of the witnesses) the time said mill was erected, to the time of the east abutment of the dam's giving away, in 1833 or 1834, and being undermined by the high water in Rough creek, that said mill amply supplied all the country adjacent, say from one hundred to one hundred and fifty families with their grinding and lumber; and that the population has greatly increased since; that this washing away was the winter or spring previous to the passage of the act of the Legislature, making appropriations for building the locks and dams; and that Col. Newton then declared that this was the only reason said mill was not re-built and kept in operation. The witnesses stated that a small amount would have re-built the east abutment and closed the breach in the dam, which was from thirty to forty feet wide; that the dam was about one hundred and sixty or one hundred and seventy feet long, built seven feet high, on the lower side near-

ly vertical, and about four feet high on the upper side, of hewn white oak timber; that the ties in said dam were of white oak, about twelve feet apart, and the cribs about half filled with broken stone, and raised the water so as in ordinary seasons in Green river, to give a head of about six feet; that the tract of land was purchased to which the mill seat is attached, solely, or nearly so, for the mill seat. We state that the damages fixed by the witnesses would be about $1,500, except the witness McCormick, whose deposition, taken by one of the undersigned, is filed with this report.

The undersigned state that Rough creek affords the greatest abundance of water for a mill; and that at all times of the year, particularly in dry seasons, that the only stoppages would be from high water in it, and back water from the Green river. The west side of the stream has a fine sandstone, natural abutment, and that the stone dips eastwardly across the stream; but that the foundation of the dam for one hundred out of one hundred and seventy feet, could be built on rock. The tract of land (from 800 to 1000 acres) attached to this mill seat is as good as the land in the vicinity, generally, worth from two to five dollars per acre, is heavily timbered, and but little in a cultivated state; that the pool raises the water in Rough creek at this point about to the comb of the old dam, or seven feet, and will consequently afford slackwater navigation as good as is in Green river, it being from three to four miles from the mouth of Rough creek by land, and eight by water, and will enhance the value of this tract of land greatly—say from twenty five to fifty cents per acre, at some future period.

That the said Eastin and Johnson not agreeing as to the damages, Eastin having fixed them at $500, and Johnson at $1,500, they agreed that if Jas. Newton would consent that the damages should be reported at $750, they would so report them; which is accordingly done, by his consent and acquiescence, leaving yourself to make such future disposition of the case as it requires; both of us concurring in the fact, that it is a fine natural mill seat, which is now entirely destroyed by the said dam No. 2, in Green river.

Which is respectfully submitted.

HENRY J. EASTIN,
Resident Engineer.
JAMES W. JOHNSON.

SYLVESTER WELCH, ESQ.,
Chief Engineer of Kentucky.

We state that we have been in attendance on this business four days, and that we believe the services are worth two dollars per day, each.

HENRY J. EASTIN.
JAS. W. JOHNSON.

DAVIESS COUNTY, ss. *November 9th*, 1840.

This day, Henry J. Eastin personally appeared before the subscriber, a Justice of the Peace for said county, and made oath that he would well and truly assess all such damages as have been done to a mill seat of James Newton, on Rough creek, in consequence of the slackwater from dam No. 2, in Green river. Given under my hand, the day above.

S. STOUT, J. P. D. C.

And on the 9th day of November, 1840, James W. Johnson, of the county of Daviess, took the above oath, for the same purposes.

S. STOUT, J. P. D. C.

Some time during the spring or summer of the year 1839, Mr. Willett Holmes said, in my presence, that at some former period, that himself and Mr. Robert Griffith had intended to offer to James Newton, the sum of $3,000 or $5,000 for his mill and seat on Rough creek—I do not recollect which of the sums—but for the improvement of the navigation in Green river, which would destroy the seat by the back water.

FRANCIS McCORMICK.

This day, the above named Francis McCormick personally appeared before me, and made oath that the above statement was true. Given under my hand, as Justice of the Peace for Daviess county, on the 10th day of November, 1840.

CREED BURTON, J P. D. C.

Ordered, That the same be referred to the committee on Internal Improvement; and that the Public Printer forthwith print 150 copes of said report, for the use of the members of the General Assembly.

On motion of Mr. N. B. Stephens,

Ordered, That Messrs. W. C. Marshall and Raymon be added to the committee on Internal Improvement.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Clay—1. A bill to legalize eight or ten per cent. interest.

On the motion of Mr. N. B. Stephens—2. A bill to appoint Trustees for the Grant Seminary.

On the motion of Mr. Shuck—3. A bill to authorize the County Court of Marion to permit gates to be erected on the Spalding's mill road.

On the motion of Mr. Fletcher—4. A bill to amend an act, entitled, an act further to regulate the Board of Internal Improvement west of the Tennessee river, approved March 1, 1836.

On the motion of Mr. Thomasson—5. A bill to establish a Tobacco Inspection in the county of Trimble.

On the motion of Mr. White—6. A bill concerning the General Court.

On the motion of Mr. Mitchell—7. A bill to change the place of voting in Washington county, from Greenville C. Alford's to Leonard Seays, Jr.

Ordered, That Messrs. Clay, Bullock and Forman prepare and bring in the 1st; Messrs. N. B. Stephens, Haydon and Bruton the 2d; Messrs. Shuck, Loving and Riffe the 3d; the committee on Internal Improvement the 4th; Messrs. Thomasson, Perciful and Taylor the 5th; the committee for Courts of Justice the 6th; and Messrs. Mitchell, Shuck and Gabbert the 7th.

Mr. Bullock asked leave to withdraw the petition of the Kentucky Historical Society; which was granted, and the petition withdrawn.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill to amend the penal laws of this Commonwealth.

By the committee on Religion—2. A bill to divorce Ann E. McCoun, and for other purposes.

By the committee on Ways and Means—3. A bill to repeal the 5th, 6th, 7th and 8th sections of an act, entitled, an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

By the committee on Internal Improvement—4. A bill to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near the Monticello School house, in Grant county.

By the committee on Education—5. A bill to establish the Kentucky Institution for the education of the blind.

By Mr. Haggard—6. A bill for the benefit of Edmund Gibbons, of the county of Clinton.

By Mr. Buckner—7. A bill for the benefit of Henry R. Smith.

By Mr. Gray—8. A bill authorizing the County Courts of Grayson, Daviess and Logan counties to make certain alterations in the State roads in said counties.

By Mr. Vance—9. A bill to change the place of voting in the Sales precinct, in Jefferson county, and for other purposes.

By Mr. Davidson—10. A bill for the benefit of D. A. Martin.

By Mr. South—11. A bill allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.

By the committee for Courts of Justice—12. A bill to allow an additional Justice of the Peace and Constable to the county of Washington.

By Mr. Loving—13. A bill for the benefit of Rosannah Boggess, of the county of Muhlenburg.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 3d, 6th and 10th were referred to the committee for Courts of Justice; the 2d, 4th, 7th, 8th, 9th, 11th, 12th and 13th were ordered to be engrossed and read a third time; and the 5th was referred to the committee on Education.

The rule of the House, constitutional provision and third reading of the 2d, 4th, 7th, 8th, 9th, 11th, 12th and 13th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer print 150 copies of the 5th bill for the use of the General Assembly.

And then the House adjourned.

MONDAY, JANUARY 4, 1841.

1. Mr. Bullock presented the petition of Gabriel Collins, praying additional compensation as Assessor of taxable property in the city of Louisville, for the year 1840.

2. Mr. Vance presented the petition of Sarah L. Gaines, praying to be divorced from her husband, Edmund P. Gaines.

3. Mr. Lackey presented the petition of sundry citizens of the 1st School District in Floyd county, praying the passage of a law allowing them to retake the sense of said district upon the adoption of the system of common schools.

4. Mr. Speed presented the petition of sundry citizens of Mercer and Lincoln counties, praying the establishment of a new county out of parts of said counties.

5. Mr. Davidson presented the petition of sundry merchants of the town of Russellville, praying the passage of a law increasing the tax on pedlars' license.

6. Mr. Latimer presented the petition of sundry citizens of Boone county, praying the passage of a law more effectually to prevent the escape of slaves from this State.

7. Mr. Thomasson presented the petition of sundry citizens of Oldham county, praying to be added to the county of Trimble.

8. Mr. Mason presented the petition of Henry Miller, praying the passage of a law releasing him from the duties of Trustee for the heirs and devisees of Ebenezer Best, deceased, except so far as regards his own children.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee on Claims; the 2d to the committee on Religion; the 3d to the committee on Education; the 4th and 7th to the committee on Propositioes and Grievances; the 5th to the committee on Ways and Means; the 6th to Messrs. Latimer, Reeves, W. C. Marshall, N. B. Stephens, Forman and Cunningham; and the 8th to the committee for Courts of Justice.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act to change the time of holding the Oldham Circuit Court.

An act authorizing the Cumberland County Court to convey real estate.

An act to enlarge the town of Owenborough, and for other purposes.

An act to authorize the County Court of Campbell to appoint an additional Constable in said county.

An act for the benefit of Thomas Cunningham.

An act to allow an additional Constable to Carter and Clinton counties.

An act to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act allowing Prentice L. Lamb a change of venue.

An act to incorporate the town of Russellville.

An act providing for a change of venue in two prosecutions now pending against Edward Parks.

An act to continue in force an act establishing the office of Second Auditor, and for other purposes.

An act to amend the charter of the City of Covington, and for other purposes.

An act concerning the estate of James Haggin, deceased.

An act to divorce Charles Butts.

An act regulating proceedings before Justices of the Peace.

An act to allow an additional Justice of the Peace to Caldwell county, and for other purposes.

An act allowing an additional Constable to Warren county.

An act to change the place of voting from the house of James Howell to that of Joel H. Ferrell, in Hardin county, and for other purposes.

An act for the benefit of Polly Starling, and others.

An act to allow an additional Constable to Calloway county.

An act allowing additional Justices of the Peace and a Constable to certain counties.

An act for the benefit of Catharine J. Lloyd and Matilda A. Floyd.

An act to authorize the County Court of Bourbon county to sell the lands on which the poor house is, and for other purposes.

An act for the benefit of the Trustees of the Baptist Church, at Providence, and for other purposes.

An act to enlarge the 7th Constable's district in Hardin county.

An act allowing further time to Sheriffs to return their delinquent lists.

An act fixing the time of holding the January term of the General Court for the year 1841.

An act to establish an election precinct in the town of Ghent, in Carroll county.

An act to establish an election precinct in Harlan county, and for other purposes.

An act to establish an election precinct in the county of Jefferson.

An act for the benefit of the widow and heirs of Edward Payne, dec'd.

An act for the benefit of Eliza Boswell, and for other purposes.

An act for the benefit of Susan James.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act to divorce Eleanor M. Tator, and to change the name of John G. Tator.

An act to divorce Catharine Collins.

An act to change time of holding certain of the terms of the Jessamine County Court.

An act for the benefit of the Sheriff of Campbell county.

An act to change the names of Emeline and Amanda Tolin, and for other purposes.

An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.

An act to run and mark the dividing line between Franklin and Scott counties.

An act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes.

An act for the benefit of the Sheriff of Hickman county.

An act to amend an act, entitled, an act to amend an act to reduce into one the several acts concerning the towns of Nicholasville and Versailles.

An act for the benefit of Thomas Prator, committee of Josiah Prator.

An act for the benefit of Benjamin H. Reeves.

An act for the benefit of the Clerk of the Circuit and County Courts of Spencer county.

An act to change the place of voting in Caldwell county, from Pearce's mill to the house of Samuel Jones.

An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

Mr. Brien asked leave to withdraw the remonstrance of Mrs. —— Johnson, against granting Obadiah Johnson a divorce; which was granted, and the same withdrawn.

Mr. Draffin, from the committee on Internal Improvement, to whom was referred a bill appropriating three thousand dollars to aid in building a bridge across main Eagle creek—reported the same without amendment.

And the question being taken on ordering the said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Johnson moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be requested to state to this House, whether the agreement referred to on the 4th page of their

printed report, between the contractors and said board, to receive at par value, the six year bonds of the State, did not, in their opinion, result from the necessities of said contractors, (the State having failed to provide other funds,) compelling them to accept said bonds, or nothing, for work heretofore done; and whether said board gave to the contractors the option of quitting the service of the State without forfeiture of any sum, or of progressing with their works, and receiving only State bonds at par value, in payment thereof, for work unfinished.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Latimer—1. A bill to reduce into one the several acts relative to the duties and fees of Coroners.

On the motion of Mr. Thomas—2. A bill to amend an act, entitled, an act to repeal (in part) an act amendatory of the several acts relating to the town of Newport, in Campbell county, approved Feb. 24, 1834; and also amendatory thereof, approved Feb. 29, 1836, and for other purposes.

On the motion of Mr. Clay—3. A bill for the benefit of mechanics and others.

On the motion of Mr. Waring—4. A bill for the benefit of the Clerk of the Greenup County Court.

On the motion of Mr. A. Harding—5. A bill for the benefit of the widow of Larkin Durrett, and for other purposes.

On the motion of Mr. Towles—6. A bill to amend and reduce into one the several acts concerning the processioning of land.

On the motion of Mr. Atkinson—7. A bill defining the duties of County Court Clerks and Sheriffs, relative to county levies.

On the motion of same—8. A bill concerning the town of Russellville.

On the motion of Mr. Fletcher—9. A bill to authorize the building of a bridge on Mayfield's creek.

On the motion of Mr. Lair—10. A bill to amend the law in relation to suits of slander.

On the motion of Mr. Reeves—11. A bill to amend the charter of the Cumberland College, approved Feb. 16, 1838.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 2d, 5th, 6th and 7th; Messrs. Atkinson, Davidson and Buckner the 8th; Messrs. Fletcher, Ford and Shaw the 9th; Messrs. Lair, Ford, Shaw and Brien the 10th; Messrs. Reeves, Calhoon, Buckner, Davidson and Loving the 11th; Messrs. Clay, Sprigg and Gabbert the 3d; and Messrs. Waring, Calhoon and B. Smith the 4th.

The Speaker laid before the House a communication from the First Auditor of Public Accounts, which is in the following words, viz:

STATE OF KENTUCKY, AUDITOR'S OFFICE,
January 4, 1841.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR:

A portion of the six year six per cent. bonds, sold by Governor Wickliffe, which appears in my annual report, has been, by mistake in copying, placed on the list of the like bonds sold by Governor Letcher, and omitted on the list sold by Governor Wickliffe. The enclosed corrected lists of bonds sold by each, for the year to and including the 10th October, 1840, please lay before the House of which you have the honor to preside,

And oblige yours, &c.,

BEN. SELBY, *Auditor.*

Six year six per cent. Internal Improvement State Bonds, sold by Charles A. Wickliffe, Lieutenant and Acting Governor, to the following persons, viz:

To Thomas Darling,	$2,000
To Joseph Barbour & Co.,	11,500
To Joseph Barbour & Co.,	4,500
To Wilson, Knott & Co.,	3,000
To G. W. Henry, (deceased,)	2,000
To R. Martin and A. Matthews,	500
To N. A. Spears,	400
To Palmer & Guiou,	5,000
To Palmer & Guiou,	4,000
To N. B. Buford,	600
To Robert Williams,	4,000
To Henry J. Eastin,	500
To J. S. Bush,	300
To J. Emerson,	5,500
To C. F. Taylor,	400
To John Armstrong,	1,300
To R. N. Miller,	500
To R. N. Miller,	12,000
To James Murray,	15,000
To Christian Shultz,	4,000
To C. M. Cunningham,	4,000
To D. K. Stockton,	8,000
To J. K. McGoodwin,	22,000
To James Sudduth,	42,500
To Richard Patterson,	23,100
To Thomas and A. Darling,	1,300
To Thomas and A. Darling,	1,000
To Roush & Farquharson,	1,500
To Wilson, Knott & Co.,	1,000
To Wilson, Knott & Co.,	2,000
To Ben. Doom,	9,900
To Robert Murrell,	16,600
Amount carried forward,	$209,900

Amount brought forward, - - -	$209,900
To R. N. Miller, - - - - -	8,200
To Samuel Todd, - - - - -	100
To Thomas S. Page, - - - -	600
To Joseph Barbour & Co., - - -	2,000
To C. Samuel, - - - - -	400
To Wilson, Knott & Co., - - - -	4,500
To Simpson Stout, - - - - -	10,000
To Alonzo Livermore, - - - -	800
To R. W. Henry, - - - -	400
To Joseph Barbour & Co., - - -	1,400
To Joseph Barbour & Co., - - -	800
To E. H. Field, - - - - -	3,000
To Palmer & Guiou, - - - -	4,500
To R. Williams, - - - - -	1,600
To J. T. & J. C. Ham, - - - -	1,500
To J. S. Law, - - - - -	2,000
To N. B. Buford, - - - - -	2,400
To Jo. Barbour & Co., - - - -	1,400
To C. Samuel, - - - - -	300
To Samuel Daviess, - - - -	2,000
To Thomas McLaughlin, - - - -	100
To Jo. Barbour & Co., - - - -	500
To J. P. Gaines, - - - - -	10,000
To Thomas and A. Darling, - - -	1,000
To J. P. Campbell, - - - -	10,000
To Mrs. J. Henry, - - - -	500
To C. Samuel, - - - - -	700
To John P. Gaines, - - - -	3,000
To L. A. Berry, - - - - -	600
To Simpson Stout, - - - -	6,900
To Simpson Stout, - - - -	14,000
To Jo. Barbour & Co., - - - -	500
To T. & A. Darling, - - - -	4,000
To J. Emison, - - - - -	6,000
To Roush & Farquharson, - - -	1,200
To J. T. & J. C. Ham, - - - -	2,000
To Palmer & Guiou, - - - -	3,000
To Strader & Gorman, - - - -	100
To Wm. A. Leavy, - - - -	4,000
To H. J. Eastin, - - - - -	500
To James Murray, - - - -	5,000
To Wilson, Knott & Co., - - - -	2,100
To Wilson, Knott & Co., - - - -	1,100
To John Montfort, - - - -	400
To A. P. Cox, - - - - -	300
To R. N. Miller, - - - - -	2,500
To Ben. Doom, - - - - -	5,000
To Jo. Barbour & Co., - - - -	1,000
Amount carried forward, - - -	$343,800

Amount brought forward, - - -		$343,800
To George Stealey, - - - - -		300
To J. S. Bush, - - - - - -		100
To N. B. Buford, - - - - - -		600
To Palmer & Guiou, - - - - -		4,300
To J. S. Law, - - - - - -		1,000
To J. T. and J. C. Ham, - - - -		3,000
To Jo. Barbour & Co., - - - -		600
To D. K. Stockton, - - - - -		11,900
To J. H. Cox, - - - - - -		200
To Wilson, Knott & Co., - - - -		1,500
To E. H. Field, - - - - - -		4,900
To J. S. Law, - - - - - -		1,300
To J. Wilson, - - - - - -		800
To N. B. Buford, - - - - - -		1,000
To S. Stout, - - - - - -		12,000
To J. Barbour & Co., - - - - -		1,000
To John Emison, - - - - - -		4,700
To Joel P. Williams, - - - - -		4,000
To R. N. Miller, - - - - - -		3,400
Total six year six per cent. bonds sold by Gov. Wickliffe, - - - - - -		$400,400

Sold by R. P. Letcher, Governor, six year six per cent. bonds for Internal Improvement, to the following persons, viz:

To Jo. Barbour & Co., - - - -	$1,400
To Wilson, Knott & Co., - - - -	1,900
To R. N. Miller, - - - - -	2,500
To William A. Leavy, - - - - -	2,300
To Palmer & Guiou, - - - - -	1,900
To R. Williams, - - - - -	1,700
To J. T. & J. C. Ham, - - - - -	2,700
To J. S. Law, - - - - - -	1,600
To N. B. Buford, - - - - - -	1,000
To Simpson Stout, - - - - -	17,200
To Roush & Farquharson, - - - - -	1,000
To J. S. Bush, - - - - - -	300
To R. Williams, - - - - - -	2,000
To Jo. Barbour & Co., - - - - -	2,500
To T. & A. Darling, - - - - -	2,600
To Wilson, Knott & Co., - - - - -	3,500
To James Murray, - - - - - -	3,000
To J. S. Law, - - - - - -	2,000
To Palmer & Guiou, - - - - -	1,500
To Juliet Henry, - - - - - -	1,500
To S. Welch, - - - - - -	100
To J. P. Campbell, - - - - -	4,000
To J. T. & J. C. Ham, - - - - -	1,200
Amount carried forward, - - -	$59,400

Amount brought forward, - - -		$59,400
To N. B. Buford, - - - - -		1,400
To Palmer & Guiou, - - - -		1,500
To S. Welch, - - - - - -		300
To T. & A. Darling, - - - -		1,600
Total six year six per cent. bonds sold by Gov. Letcher, -		$64,200

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of the widow and heirs of Thomas Robinson, dec'd.

By the committee on Military Affairs—2. A bill to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.

By Mr. Shaw—3. A bill authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.

By Mr. Watts—4. A bill to incorporate the town of Smithland, and for other purposes.

By Mr. Shuck—5. A bill for the benefit of Thomas Spalding.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 3d and 5th were severally ordered to be engrossed and read a third time; and the 4th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d and 5th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The House then resolved itself into a committee of the whole—Mr. Reeves in the chair—on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State, approved Feb. 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Reeves reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

TUESDAY, JANUARY 5, 1841.

1. Mr. Draffin presented the petition of Peter Jett, praying additional compensation for delivering the Acts and Journals, &c. of the last session.

2. Mr. White presented the petition of Melvina Finch, praying to be divorced from her husband, John Finch.

3. Mr. Towles presented the petition of sundry contractors on public works south of Green river, praying the passage of a law providing for the payment of the amount due them.

4. Also, the petition of Albert G. Walker, praying to be divorced from his wife, Paulina Walker.

5. Mr. Thomas presented the petition of Robert Williams and I. I. and J. C. Ham, contractors for the construction of locks and dams Nos. 3 and 4, on Licking river, praying the passage of a law providing for the payment of the amount due them.

6. Mr. Curd presented the petition of sundry citizens of Fayette county, praying a repeal or modification of the law of 1833, prohibiting the importation of slaves into this State.

7. Mr. Hawkins presented the petition of sundry citizens of Gallatin county, praying the passage of a law authorizing a special term to be held for the Gallatin Circuit Court.

8. Mr. Draffin presented the petition of Lucy Murphy, and the heirs of Mathew Galt, deceased, praying the passage of a law authorizing a sale of certain real estate descended to them.

9. Mr. Shaw presented the petition of sundry citizens of Hickman county, against the establishment of a new county out of parts of said county and the county of McCracken.

10. Mr. Perciful presented the petition of Susan Shacklett, praying to be divorced from her husband, Benjamin G. Shacklett.

11. Also, the remonstrance of Benjamin G. Shacklett, against granting a divorce to his wife, Susan Shacklett.

12. Also, the petition of sundry citizens of Meade county, praying a change in the location of a certain road in said county.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee on Claims; the 2d, 4th, 10th and 11th to the committee on Religion; the 3d, 5th and 12th to the committee on Internal Improvement; the 6th to the committee of the whole House; the 7th to Messrs. Hawkins, J. P. Hardin, Chilton and Loving; the 8th to Messrs. Draffin, White and Adams; and the 9th to the committee on Propositions and Grievances.

The Speaker laid before the House the annual report of the Commissioners of the Lunatic Asylum.

[*For the report, see Legislative Documents, page* 329.]

Ordered, That the Public Printer forthwith print 150 copies of the said report for the use of the members of the General Assembly.

Mr. Caldwell moved the following resolution, viz:

Resolved, That Thomas E. Brown be admitted to a seat in the Representative Hall, for the purpose of reporting the proceedings of this House for the Louisville Advertiser.

Which was adopted.

Mr. Perciful moved the following resolution, viz:

Resolved, That the use of this Hall be tendered, for three nights, (beginning at 7 o'clock this evening,) to Doctor Tompkins, for the purpose of lecturing on the subject of Phrenology.

Mr. Towles moved the following as an amendment to said resolution:

Resolved further, That the members of the General Assembly, citizens of Frankfort and strangers, shall be admitted to all Lectures delivered in this Hall, free of charge.

On motion of Mr. Calhoon,

Ordered, That said resolution and amendment be laid on the table.

Mr. Woodson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Grant county, praying to be added to the county of Owen—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act to amend the charter of the City of Covington, and for other purposes.

An act to establish an election precinct in the county of Jefferson.

An act for the benefit of the widow and heirs of Edward Payne, dec'd.

An act to divorce Susannah James.

An act for the benefit of Eliza Boswell, and for other purposes.

An act to establish an election precinct in Harlan county, and for other purposes.

An act fixing the time of holding the January term of the General Court for the year 1841.

An act to establish an election precinct in the town of Ghent, in Carroll county.

An act allowing further time to Sheriffs to return their delinquent lists.

An act to enlarge the 7th Constable's district in Hardin county.

An act for the benefit of the Trustees of the Baptist Church, at Providence, and for other purposes.

An act to authorize the County Court of Bourbon county to sell the lands on which the poor house is, and for other purposes.

An act allowing additional Justices of the Peace and Constables to certain counties.

An act for the benefit of Catharine J. Lloyd and Matilda A. Floyd.

An act for the benefit of Polly Starling, and others.

An act to allow an additional Constable to Calloway county.

An act allowing an additional Constable to Warren county.

An act to change the place of voting from the house of James Howell to that of Joel H. Ferrell, in Hardin county, and for other purposes.

An act to allow an additional Justice of the Peace to Caldwell county, and for other purposes.

An act regulating proceedings before Justices of the Peace.

An act concerning the estate of James Haggin, deceased.

An act to divorce Charles Butts.

An act providing for a change of venue in two prosecutions now pending against Edward Parks.

An act to continue in force an act establishing the office of Second Auditor, and for other purposes.

An act allowing Prentice L. Lamb a change of venue.

An act to incorporate the town of Russellville.

Approved January 4, 1841.

Mr. Haggard moved the following resolutions, viz:

Resolved, That while we look forward with anxious solicitude to the time when a free school system can be established, which shall be equal and common to all the counties of the State; the fund now in hand for the purposes of common schools is totally inadequate for that purpose for many years to come; the public debt of the State must be met, either by law or direct taxation, and for the purpose of avoiding either, when, too, there is such a depression in the moneyed affairs of the country: Therefore,

Resolved, That it is inexpedient to keep set apart the funds now on hand for the purpose of common schools, as provided for that purpose.

Resolved, That the committee on Ways and Means be instructed to report a bill transferring the Common School Fund, and the net proceeds that have not been expended in pursuance of the law setting apart the same for common school purposes. That the Commissioners of the Sinking Fund shall take charge of the same, for the purpose of meeting the liabilities of the State, and thereby prevent taxation. That said committee provide that the sum of $—— of the original amount set apart may be used by the Board of Internal Improvement, in completing any of the public works that are nearly finished, or in the preservation of those that are commenced and deemed of public importance to preserve.

On motion of Mr. Haggard,

Ordered, That the said resolutions be laid on the table for the present.

On motion of Mr. Curd,

Resolved, That the use of this Hall be tendered to James Shannon, President of Bacon College, at Harrodsburg, on Sunday, the 10th instant, for Divine Worship.

Mr. Goble moved the following resolutions, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of so amending the law as to make Constables and their securities responsible, by motion or suit, for all moneys paid into a Constable's hands in pursuance of a judgment or service of a warrant, whether said Constable have an execution in hands, or not.

Be it further resolved, That said committee be instructed to enquire into the propriety of so amending the law as to authorize the Clerks of Circuit Courts to receive money in their office, upon all judgments, replevin and sale bonds, and to make said Clerks and their securities responsible for a failure to pay the same to the person legally authorized to receive the same, upon legal demand made; and that they report by bill or otherwise.

Which being twice read, were adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Curle—1. A bill for the benefit of the medical professors of Transylvania University.

On the motion of Mr. Innes—2. A bill for the benefit of Thomas H. Bennett.

On the motion of Mr. Perciful—3. A bill for the benefit of Thomas J. Gough.

On the motion of Mr. Speed—4. A bill to amend an act, entitled, an act to amend an act directing the duty of Surveyors of land.

On the motion of Mr. Colyer—5. A bill for the benefit of John Mershon.

On the motion of Mr. Lair—6. A bill for the benefit of Wm. Willbourn, of the county of Russell.

On the motion of Mr. Johnson—7. A bill to amend the election laws of this State.

On the motion of Mr. Snyder—8. A bill for the benefit of Jas. K. Galion.

Ordered, That Messrs. Curle, Vance, Miller and Mason prepare and bring in the 1st; Messrs. Innes, Raymon and Morgan the 2d; Messrs. Perciful, Thomasson and Chilton the 3d; Messrs. Speed, J. P. Hardin and McHenry the 4th; Messrs. Colyer, Forman, Adams and Riffe the 5th; Messrs. Lair, Haydon and Haggard the 6th; the committee on Privileges and Elections the 7th; and the committee on Ways and Means the 8th.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Caldwell—1. A bill explanatory of the act incorporating the Tan Theta Kappa Society of Georgetown College.

By Mr. Hawkins—2. A bill providing for a special term of the Gallatin Circuit Court.

By Mr. Park—3. A bill to alter the time of holding the Estill County Court.

By Mr. N. B. Stephens—4. A bill to authorize the County Court of Grant to change a road.

By Mr. Waring—5. A bill for the benefit of the Clerk of the Greenup County Court.

By Mr. Adams—6. A bill for the benefit of married women whose husbands have abandoned them.

By Mr. Atkinson—7. A bill concerning the town of Russellville.

By Mr. Fletcher—8. A bill authorizing the building of a bridge on Mayfield's creek.

By Mr. Thomasson—9. A bill to establish a tobacco inspection at the warehouse of Loving Garrett, in the county of Trimble.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 7th and 9th were severally ordered to be engrossed and read a third time; the 6th was referred to the committee for Courts of Justice; and the 8th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 7th and 9th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The House then resolved itself into a committee of the whole—Mr. Reeves in the chair—on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State, approved Feb. 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Reeves reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

WEDNESDAY, JANUARY 6, 1841.

1. Mr. Raymon presented the petition of sundry citizens of Nicholas county, praying that an additional Constable be allowed said county.

2. Mr. Rudd presented the petition of John Stivers, praying to be divorced from his wife, Charlotte Stivers.

3. Mr. Colyer presented the petition of sundry citizens of Rockcastle and Laurel counties, praying an amendment in the laws in relation to the Madison fork of the Wilderness turnpike road.

4. Mr. Hazlerigg presented the petition of the Board of Trustees of the town of Sharpsburg, praying a repeal of that part of the law in relation to tax on personal property.

5. Mr. N. B. Stephens presented the petition of James Howe, praying that compensation be allowed him for apprehending a fugitive from the Kentucky Penitentiary.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Religion; the 3d to the committee on Internal Improvement; the 4th to Messrs. Hazlerigg, Bruton, Waring and Bush; and the 5th to the committee on Claims.

Mr. Craddock, from the committee on Claims, to whom was referred the petition of sundry citizens of Bath county, praying for an allowance to support America Oakley, an idiot—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Reeves, from the same committee, to whom was referred the petition of Gabriel Collins—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which was concurred in.

Mr. Brent, from the same committee, to whom was referred the petition of Stephen R. Chenowith, Jailor of Jefferson county—reported the same with the following resolution, viz:

Resolved, That the said petition is unreasonable.

Mr. Bullock moved to amend said resolution, by striking out the word "unreasonable," and inserting "reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to amend the 77th section of the militia law of this State.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of James Bartlett.

An act for the benefit of Lois Smallwood.

An act to change the name of Kenaz F. Hatton to that of Kenaz F. Daniel.

An act authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepherdsville.

An act for the benefit of James M. Gatewood, and Ann A. Gatewood, his wife.

An act concerning the town of Carrollton.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

An act allowing the Clerk of the Campbell County Court further time to renew his official bond.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to change times of holding certain of the terms of the Jessamine County Court.

An act to divorce Catharine Collins.

An act to change the names of Emeline and Amanda Tolin, and for other purposes.

An act for the benefit of the Sheriff of Campbell county.

An act to run and mark the dividing line between Franklin and Scott counties.

An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.

An act for the benefit of the Sheriff of Hickman county.

An act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes.

An act to amend an act, entitled, an act to amend an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles.

An act for the benefit of Thomas Prator, committee of Josiah Prator.

An act for the benefit of Benjamin H. Reeves.

An act for the benefit of the Clerk of the Circuit and County Courts of Spencer county.

An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.

An act to change the place of voting in Caldwell county, from Pearce's mill to the house of Samuel Jones.

An act to divorce Eleanor M. Tator, and to change the name of John G. Tator. Approved Janury 4, 1841.

Mr. Crenshaw, from the committee for Courts of Justice, to whom was referred the petition of Nancy Smith—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Calhoon, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of Edmond Gibbons, of the county of Clinton.

A bill for the benefit of D. A. Martin—reported the same without amendment.

Ordered, That the further consideration of said bills be postponed for the present.

Mr. McHenry, from the same committee, to whom was referred a bill to repeal the 5th, 6th, 7th and 8th sections of an act, entitled, an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes—reported the same without amendment.

Ordered, That the further consideration of said bill be postponed for the present.

Mr. Loving, from the same committee, to whom was referred a bill to amend the penal laws of this Commonwealth—reported the same with an amendment as a substitute for the original bill, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

Ordered, That the Public Printer forthwith print 150 copies of the said bill, for the use of the members of the General Assembly.

The Speaker laid before the House the report of the Librarian.

[*For this report, see Legislative Documents—page* 361.]

On motion of Mr. Hazlerigg,

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

A message was received from the Governor, by Mr. Harlan, Secretary of State: which is in the following words, viz:

Gentlemen of the House of Representatives:

I transmit, herewith, a report from the President and Directors of the Lexington and Ohio Railroad Company, containing the information required by the resolutions of the 21st ult.

R. P. LETCHER.

January 6th, 1841.

[*For documents see Legislative Documents, page*, 346.]

Ordered, That said message and accompanying documents be referred to

the committee for Courts of Justice; and that the Public Printer forthwith print 150 copies thereof, for the use of the members of the General Assembly.

On motion of Mr. Clay—Leave was given to bring in a bill for the benefit of Samuel Chew, Jr. and others.

Ordered, That the committee on Military Affairs prepare and bring in the same.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Privileges and Elections—1. A bill to amend the election laws of this State.

By the committee on Claims—2. A bill for the benefit of Cassius M. Clay.

By the committee for Courts of Justice—3. A bill to amend the laws of descent.

By Mr. Cunningham—4. A bill requiring negroes hereafter emancipated to remove out of this State, and for other purposes.

By the committee for Courts of Justice—5. A bill to prohibit the Clerks of County Courts of this Commonwealth from practising law in the Circuit Courts of their respective counties.

By same—6. A bill more effectually to punish malicious mischief in this Commonwealth.

By the committee on Religion—7. A bill for the benefit of Eliza Taylor.

By same—8. A bill for the benefit of Elizabeth Adams.

By same—9. A bill to divorce Harriet Bennett.

By same—10. A bill for the divorce of Benjamin Bennett.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the 1st, 2d, 4th, 6th, 7th, 8th, 9th and 10th bills having been dispensed with, the 1st, 2d, 7th, 8th, 9th and 10th were severally ordered to be engrossed and read a third time; and the 4th was referred to the committee on Agriculture and Manufactures.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 7th, 8th, 9th and 10th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 4th and 6th bills for the use of the members of the General Assembly.

The House again resolved itself into a committee of the whole—Mr. Reeves in the chair—on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State approved Feb. 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the

chair; when Mr. Reeves reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

THURSDAY, JANUARY 7, 1841.

1. Mr. Thompson presented the petition of sundry citizens of the town of Danville, in behalf of James Pagett, praying for a sale of certain real estate of said Pagett, and that the proceeds be vested in trustees for his support.

2. Mr. Vance presented the petition of John Jones, late Sheriff of Jefferson county, praying that a certain sum of money be refunded him, which he alleges was overpaid by him to the Treasurer of the State, as Sheriff aforesaid.

3. Mr. Gray presented the petition of sundry citizens of Grayson county, praying that an additional Justice of the Peace be allowed said county

4. Mr. Perciful presented the petition of sundry citizens of Big Spring, praying a change in the Commissioners appointed to locate a State road from the mouth of Salt river (by way of Grayhampton, &c.) to intersect the Bowlinggreen road.

5. Mr. Shaw presented the petition of Eliza K. Putnam, praying to be divorced from her husband, Moses Putnam.

6. Mr. B. Smith presented the petition of Benjamin Hansford, praying the passage of a law allowing him compensation for taking care of his son, Jas. Hansford, who is a lunatic.

7. Mr. Mitchell presented the petition of the Sheriff of Washington county, praying the passage of a law allowing him further time to pay the balance of the revenue due from him for the year 1840.

8. Mr. Brien presented the petition of sundry members of the bar in the 16th Judicial district of this Commonwealth, praying a change of the time of holding the Circuit Courts therein.

9. Mr. Lackey presented the petition of the members of the Board of Internal Improvement for Graves county, praying the passage of a law authorizing them to loan out the money in their hands.

10. Mr. Woodson presented the petition of the President and Directors of the Lexington, Harrodsburg and Perryville Turnpike Road Company,

praying the passage of a law granting a ferry privilege across the Kentucky river.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st and 8th to the committee for Courts of Justice; the 2d and 6th to the committee on Claims; the 3d to Messrs. Gray, Cofer, Perciful and Hays; the 4th, 9th and 10th to the committee on Internal Improvement; the 5th to the committee on Religion; and the 7th to the committee on Ways and Means.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.

An act for the benefit of John Lewis, and others.

An act for the benefit of the executor of Henry W. Black, dec'd

And that they had passed a bill, entitled, an act for the benefit of John S. Fisher.

The Speaker laid before the House a communication from the Secretary of State, enclosing the monthly statements of the condition, for the last six months, and the classification of the debtors in notes and bills, of the Northern Bank of Kentucky.

Ordered, That the same be referred to the committee on Banks.

Mr. Bush, from the committee on Military Affairs, to whom was referred the petition of Thomas Devan—asked leave to be discharged from the further consideration thereof; which was granted.

Mr. A. Harding, from the committee for Courts of Justice, to whom was referred the petition of Henry Miller—reported the same with the following resolution, viz:

Resolved, That said petition be rejected; which was concurred in.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of William Russell—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Crenshaw—1. A bill for the benefit of contractors on the public works, and for other purposes.

On the motion of Mr. Haggard—2. A bill to amend the road laws of this Commonwealth, and for other purposes.

On the motion of Mr. Newell—3. A bill for the benefit of the heirs of James Humbel, dec'd.

Ordered, That Messrs. Crenshaw, Johnson, A. Harding and Rowlett prepare and bring in the 1st; and the committee for Courts of Justice the 2d and 3d.

Mr. Newell read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to cause a national salute to be fired on the 8th of January, 1841, at sunrise, in memory of the glorious victory gained by American arms at New Orleans; and that the cannon captured *by the gallant Col. James Johnson*, at the battle of the Thames, *under the command of* Wm. Henry Harrison, be used on the occasion.

Mr. Newell moved to dispense with the rule requiring joint resolutions to lie on the table one day.

And the question being taken thereon, it was decided in the negative.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill for the divorce of Pendleton H. Harrod.

By same—2. A bill for the divorce of Priscilla Ann Brown.

By the committee on Ways and Means—3. A bill to prohibit Counsellors and Attorneys at Law from becoming security in certain cases.

By Mr. Clay—4. A bill for the relief of mechanics and others.

By Mr. Towles—5. A bill to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21, 1840.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 2d were ordered to be engrossed and read a third time; and the 3d, 4th and 5th were referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hazlerigg moved a re-consideration of the vote refusing to dispense with the rule requiring the resolution proposed by Mr. Newell to fire a salute on the 8th of January, 1841, to lie on the table one day.

And the question being taken thereon, it was decided in the affirmative.

Mr. Newell then moved to amend said resolution, by striking out "by the General Assembly of the Commonwealth of Kentucky."

And it was decided in the affirmative.

Mr. Hazlerigg then moved to amend said resolution, by striking out all that part of said resolution printed in italics, and inserting after the word "Thames," the following: "By Major General;" and adding to said resolution the following proviso:

Provided, That not more than $—— shall be drawn from the Treasury to defray the expenses of the same.

Mr. Calhoon then moved to lay said resolution and amendments on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Nance and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Davidson,	Reeves,
Messrs. Adams,	Ford,	Riffe,
Atkinson,	Gabbert,	Rowlett,
Brent,	Goodson,	Rudd,
Bruton,	Graham,	Shanks,
Buckner,	Gray,	Smith, B.
Bush,	Harding,	Smith, H. H.
Calhoon,	Harrison,	Snyder,
Chilton,	Hawkins,	Speed,
Clay,	Kirtley,	Stevens, J.
Cofer,	Lair,	Stockton,
Colyer,	Latimer,	Thomas,
Craddock,	Mason,	Trussell,
Crenshaw,	Park,	Vance,
Cunningham,	Perciful,	Watkins—46.
Curd,		

Those who voted in the negative were—

Messrs. Brien,	Johnson,	Sprigg,
Bullock,	Lackey,	Stephens, N. B.
Chenault,	Loving,	Taylor,
Curle,	Marshall, W. C.	Thomasson,
Draffin,	Marshall, W. N.	Thompson,
Fletcher,	Mitchell,	Towles,
Forman,	Morgan,	Triplett,
Goble,	Nance,	Wakefield,
Haggard,	Newell,	Waring,
Hart,	Paris,	Watts,
Haydon,	Raymon,	White,
Hays,	Shaw,	Williams,
Hazlerigg,	South,	Woodson—40.
Innes,		

The House again resolved itself into a committee of the whole—Mr. Reeves in the chair—on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State, approved Feb. 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the

chair; when Mr. Reeves reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

FRIDAY, JANUARY 8, 1841.

1. Mr. Waring presented the petition of sundry citizens of Greenup county, praying the establishment of an additional election precinct in said county.

2. Mr. Shanks presented the petition of sundry citizens of Lincoln county, praying a change in the location of a turnpike gate on the turnpike road from Stanford to Crab Orchard.

3. Mr. Cofer presented the petition of sundry citizens of Hardin county, praying that an additional Constable be allowed to srid county.

4. Mr. Davidson presented the petition of Frances B. Moore, praying to be released from the payment of a subscription of stock in the Louisville and Nashville Turnpike Road Company.

5. Mr. Shanks presented the remonstrance of James McDowell, against granting a divorce to his wife, Elizabeth McDowell.

6. Mr. Goodson presented the petition of Palmer & Guiou, contractors for the construction of locks and dams Nos. 1 & 2 on Licking river, praying that compensation be allowed them for losses sustained by them for discounts on State bonds.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred: the 1st to Messrs. Waring, Hazlerigg, Bush and Bruton; the 2d, 4th and 6th to the committee on Internal Improvement; the 3d to Messrs. Cofer, Hays, Loving and Gray; and the 5th to the committee on Religion.

Mr. Davis S. Hammond, the member returned to serve in this House from the county of Simpson, appeared and took his seat.

The Speaker laid before the House the annual report of the President of the Bank of the Commonwealth of Kentucky.

[*For this report, see Legislative Documents—page* 365.]

Ordered, That said report be referred to the committee on the Sinking Fund; and that the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

Mr. Reeves, from the committee on Claims, to whom was referred the petition of John L. Kennedy—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Innes, from the same committee, to whom was referred the petition of James Howe—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which was concurred in.

Mr. Calhoon, from the committee for Courts of Justice, to whom was re-referred the petition of Jason Bell and Pleasant Sadler, praying for a change of venue—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Crenshaw, from the same committee, to whom was referred leave to bring in a bill to prohibit owners of slaves from placing said slaves on a farm to live without an overseer—moved the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject; which was concurred in.

Mr. Ford, from the committee on Religion, to whom was referred the petition of Patience Murray—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Haggard moved to amend said resolution, by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in pursuance of said petition.

Mr. Ford, from the same committee, to whom was referred the petition of Matilda Wood, praying for a divorce—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Thomas moved to amend said resolution, by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act to shorten the terms of the Cumberland Circuit Court, and to change the terms of the Monroe Circuit Court.

An act for the benefit of the fire company in the town of Paducah.

An act for the benefit of Henry R. Smith.

An act to allow an additional Justice of the Peace and Constable to Washington county.

An act for the benefit of the Clerk of the Greenup County Court.

An act explanatory of the act incorporating the Tan Theta Kappy Society of Georgetown College.

An act concerning the town of Russellville.

An act to establish a tobacco inspection at the warehouse of Loving Garrett, in the county of Trimble.

An act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.

An act to alter the time of holding the Estill County Court.

With amendments to the two last named bills.

And that they had passed a bill, entitled, an act for the benefit of the Kentucky Historical Society.

Mr. Caldwell, from the committee for Courts of Justice, to whom was referred a bill for the benefit of married women whose husbands have abandoned them—reported the same with amendments, which were concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Lackey, from the committee on Religion, to whom was referred the petition of Mary Finch—reported the same with the following resolution:

Resolved, That said petition be rejected.

Mr. White moved to amend said resolution, by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill accordingly.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of James M. Gatewood, and Ann M. Gatewood, his wife.

An act authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepherdsville.

An act for the benefit of Lois Smallwood.

An act for the benefit of James Bartlett.

An act to change the name of Kenaz F. Hatton to that of Kenaz F. Daniel.

An act for the benefit of the executor of Henry W. Black, dec'd.

An act to enlarge the town of Owenborough, and for other purposes.

An act to allow an additional Justice of the Peace and Constable to Carter and Clinton counties.

An act authorizing the Cumberland County Court to convey real estate.

An act for the benefit of Thomas Cunningham.

An act to change the time of holding the Oldham Circuit Court.

An act to authorize the County Court of Campbell to appoint an additional Constable in said county.

An act for the benefit of the Sheriff of Christian county.

An act to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

An act authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.

An act for the benefit of John Lewis, and others.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz :

By the committee for Courts of Justice—1. A bill for the benefit of the Louisville Pilots' Benevolent Society.

By same—2. A bill for the benefit of the town of Newport.

By same—3. A bill to authorize the running, marking and extending the county lines between the counties of Todd, Logan and Christian.

By same—4. A bill to establish a new Judicial district, and for other purposes.

By the committee on Religion—5. A bill to divorce Fanny Robilier, and to change her name.

By same—6. A bill to divorce James Ware.

By same—7. A bill for the divorce of Sarah L. Gaines.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 5th, 6th and 7th were ordered to be engrossed and read a third time; and the 3d and 4th were referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 5th, 6th and 7th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. W. N. Marshall presented the petition of Pleasant Sandidge, and sundry other citizens of Green county, praying that said Sandidge may have further time granted him to pay into the Treasury the amount of a judgment obtained against him as Sheriff of Green county.

Which was received, the reading thereof dispensed with, and referred to the committee on Ways and Means.

Mr. Paris, from the committee on Education, to whom was referred the

petition of the New York Historical Society—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. Towles moved to amend said resolution, by striking out "be rejected," and inserting "is reasonable." And after some discussion had thereon,

The hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House again resolved itself into a committee of the whole—Mr. Thompson in the chair—on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State, approved Feb. 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act to change the name of Kenaz F. Hatton to that of Kenaz F. Daniel.

An act for the benefit of James Bartlett.

An act for the benefit of Lois Smallwood.

An act for the benefit of Thomas Cunningham.

An act to allow an additional Justice of the Peace and Constable to Carter and Clinton counties.

An act authorizing the Cumberland County Court to convey real estate.

An act to enlarge the town of Owenborough, and for other purposes.

An act for the benefit of the executor of Henry W. Black, dec'd.

An act to change the time of holding the Oldham Circuit Court.

An act to authorize the County Court of Campbell to appoint an additional Constable in said county.

An act to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

An act for the benefit of the Sheriff of Christian county.

An act authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepherdsville.

An act for the benefit of James M. Gatewood, and Ann A. Gatewood, his wife.

An act authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.

An act for the benefit of John Lewis, and others.

Approved January 8, 1841.

And then the House adjourned.

SATURDAY, JANUARY 9, 1841.

1. Mr. Thompson presented the petition of Mary Peck, and others in her behalf, praying the passage of a law making an appropriation for her support.

2. Also, sundry petitions and other documents for and against the establishment of a new county, to be called "Boyle county," out of parts of Mercer and Lincoln counties.

3. Mr. Paris presented the petition of John Hunt, committee for Salve Jarvis, an idiot, praying the passage of a law allowing additional compensation for taking care of said idiot.

4. Mr. Harrison presented the petition of Maria Gibbs, praying to be divorced from her husband, John Gibbs.

5. Mr. Hammond presented the petition of John B. Booker, praying the passage of a law releasing him from the penalties incurred for bringing into this State a slave, contrary to law.

6. Mr. Hays presented the petition of sundry citizens of Hardin county, praying the passage of a law extending the first Constable's district in said county.

7. Mr. Davidson presented the petition of J. C. Mulligan, W. F. Evans, Robert F. Pulliam and W. L. Underwood, praying that a law may pass compelling the officers of government to receive State bonds in discharge of debts due them.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st and 7th to the committee on Claims; the 2d to the committee on Propositions and Grievances; the 3d to the committee on Ways and Means; the 4th to the committee on Religion; the 5th to Messrs. Hammond, Davidson and Atkinson; and the 6th to Messrs. Hays, Cofer, Perciful, Craddock and Gray.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House to a bill from the Senate, entitled,

An act for the benefit of Wm. Russell.

That they had passed bills from this House, of the following titles, viz:

An act giving the Sheriff of Union county further time to return his delinquent list.

An act to incorporate the Ciceronian Society of Georgetown College.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.

An act providing for a special term of the Gallatin Circuit Court.

With amendments to the last named bill.

That they had concurred in the adoption of the preamble and resolutions from this House, entitled, Preamble and Resolutions in relation to a United States Bank and the Public Lands.

That they had passed a bill, entitled, an act to change the time of holding the courts in the 3d Judicial district of Kentucky, and for other purposes.

And had adopted a preamble and resolution in favor of a National Bank.

Mr. Speed moved the following resolution, viz:

Resolved, That the use of the Hall of the House of Representatives be granted, on Monday next, from the hour of 2 o'clock, P. M. for the use of the Kentucky Agricultural Society.

Which being twice read, was adopted.

The House then took up for consideration the resolutions read and laid on the table by Mr. Thompson, in relation to an amendment of the Constitution of the United States.

Mr. J. P. Hardin moved to amend the first resolution, by striking out the word "instructed," and inserting the word "requested;" which amendment was accepted by Mr. Thompson.

Mr. A. Harding then moved to amend the first resolution, by striking out the word "requested," and insert "instructed."

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House again resolved itself into a committee of the whole—Mr. Thompson in the chair—on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State approved Feb. 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the House, with an amendment thereto; which he handed in at the Clerk's table.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That "an act to amend the law prohibiting the importation of slaves into this State, approved February 2d, 1833," and all laws or parts of laws which at any time heretofore have been in force in this Commonwealth, regulating or prohibiting the introduction of slaves into this State, be, and they are hereby repealed.

SEC. 2. That each and every person or persons who shall hereafter directly or indirectly, bring or cause to be brought or introduced into this State, any slave or slaves, as an article of merchandize, with the view or intention, either directly or indirectly, to sell or cause to be sold, all or any one or more of said slaves, within the limits of this Commonwealth, to any person or persons whomsoever, shall forfeit and pay the sum of six hundred dollars for each and every slave so as aforesaid introduced or brought into this Commonwealth, and either absolutely or conditionally contracted for or sold "within its limits, to any person or persons whomsoever;" which said pen-

alty may be recovered by indictment of the grand jury, or by action of debt, in the name of the Commonwealth of Kentucky, in the circuit court of any county where the offender shall be found; and when recovered, shall be paid, one half to the informer, and the other half in aid of the Sinking Fund.

SEC. 3. That any person or persons, being a citizen of this State, or residing therein, who shall, within the limits thereof, either absolutely or conditionally, by himself or themselves, or by any other person or persons, as his or their agent or agents, buy, or contract for the purchase of, any slave or slaves, knowing said slave or slaves to have been brought or introduced into this State, contrary to the provisions of the second section of this act, *shall be taken and considered as having violated the said second section*, and shall be subject to the penalty therein mentioned; which penalty shall be recovered and disposed of as therein specified.

SEC. 4. That any person or persons who, under color of being an emigrant to this from any other State, or under color of any other excuse or device whatever, shall bring or introduce, and sell, in this State, any slave or slaves, contrary to the true intent and meaning of the second section of this act; or any person or persons, citizens or residents of this State, who shall buy any slave or slaves, knowing the same to have been introduced into this State in contravention of the true intent and meaning of this act, *shall be taken and considered as having violated the second and third sections thereof, and* shall be subject to the penalty mentioned in the said second section; which shall be recovered and disposed of as in the said second section of this act specified.

SEC. 5. That all or any emigrant or emigrants to this State, and all and every citizen or citizens thereof, and all and any resident or residents therein, and all or any other person or persons whomsoever, shall have full right and power to introduce or bring into this State any slave or slaves, for his, her or their own use, or for any purpose, or in any way not contrary to the true intent and meaning of this act, or of the constitution and laws of the United States, or of the State of Kentucky.

SEC. 6. That it shall be the duty of each Circuit Judge in this State to give this act in charge to the Grand Jury at every term of their several Circuit Courts.

SEC. 7. That any action or prosecution which may be brought for any violation of any of the provisions of this act, shall be commenced at any time within five years from the commission of the offence or the accrual of the cause of action, and not after.

The amendments proposed by the committee for Courts of Justice to said bill, were as follows, viz:

Strike out all that part of the third section printed in italics, and insert the following: "Shall be subject to the penalty imposed by the second section of this bill, upon persons who may introduce slaves into this Commonwealth as merchandize."

Amend the 4th section by striking out all that part printed in italics.

Add to the bill, between the sixth and seventh sections, the following sections, viz:

Be it further enacted, That if any person other than a *bona fide* emigrant to this State, shall sell any slave which shall hereafter be brought into this State, within three years next after the said slave shall have been brought into this State, it shall be conclusive evidence that said slave was brought into this State as merchandize; and the person so selling shall be liable to the penalties imposed by the second section of this act.

Be it further enacted, That every person who shall pass into this State, with any slave or slaves, with a view to sell said slave or slaves in any other place than this State, the slaves so introduced, every person so offending shall forfeit and pay for every slave so attempted to be taken or carried through this State, at the discretion of a jury, any sum not less than five hundred dollars, nor more than one thousand dollars, to be recovered by action of debt or indictment in the proper court, in the name of the Commonwealth of Kentucky, one half for the use of any person who may sue for the same, and the other for the use of the Commonwealth of Kentucky, to be applied in aid of the Sinking Fund.

The substitute proposed by Mr. Clay is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be construed an importation within the meaning of this act, if the owner or owners of a slave or slaves, having carried any slave or slaves without the border of this State for personal attendance or other purpose, shall bring back the said slave or slaves into this State.

SEC. 2. *Be it further enacted*, That this act shall not be construed to extend to persons not citizens of this State, who shall temporarily reside within this Commonwealth for the purpose of enjoying our climate, educating children, or any other lawful purpose; or to persons navigating steamboats within the bounds of this Commonwealth, who shall bring slaves for the necessary navigation and service in said boat: provided said slaves shall not be sold, given away, or liberated by their owners within the bounds of this State.

SEC. 3. *Be it further enacted*, That all persons whatever, who have imported slaves contrary to the provisions of this act previous to the 1st day of December, 1840, shall be, and are hereby, relieved from all the penalties incurred by said illegal importation.

The amendment proposed by the committee of the whole, was to strike out the enacting clause.

Mr. Forman moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

And the main question was then put: Shall the enacting clause of said bill be struck out? and it was decided in the affirmative.

And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Calhoon and Clay, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Graham,	Park,
Atkinson,	Gray,	Perciful,
Botts,	Harding,	Raymon,
Brent,	Hardin,	Rowlett,
Bullock,	Hart,	Rudd,
Bush,	Hawkins,	Shuck,
Caldwell,	Hays,	Speed,
Chenault,	Hazlerigg,	Stockton,
Chilton,	Innes,	Taylor,
Clay,	Kirtley,	Thomas,
Cofer,	Lair,	Thomasson,
Craddock,	Latimer,	Thompson,
Crenshaw,	Loving,	Trussell,
Cunningham,	Marshall, C. A.	Vance,
Curle,	Marshall, W. C.	Wakefield,
Davidson,	Mason,	Waring,
Ford,	Miller,	Watkins,
Forman,	Mitchell,	Williams,
Goble,	Morgan,	Woodson—59.
Goodson,	Newell,	

Those who voted in the negative were—

Mr. Speaker,	Haydon,	Shaw,
Messrs. Brien,	Howard,	Smith, B.
Bruton,	Johnson,	Smith, H. H.
Buckner,	Lackey,	Snyder,
Calhoon,	Marshall, W. N.	South,
Colyer,	McHenry,	Stephens, N. B.
Curd,	Nance,	Stevens, J.
Fletcher,	Paris,	Towles,
Gabbert,	Reeves,	Triplett,
Haggard,	Riffe,	Watts,
Hammond,	Shanks,	Wortham—34.
Harrison,		

And then the House adjourned.

MONDAY, JANUARY 11, 1841.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Thos. Spalding.

That they had passed bills from this House of the following titles, viz: An act to repeal an act, entitled, an act to authorize the County Court of

Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838.

An act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts.

An act to establish the road leading from Hopkinsville to Clarksville, Tennessee, as a State road.

An act to establish a State road from Henderson (through Madisonville) to Hopkinsville.

An act for the benefit of the Commonwealth's Attorney of the Fifth Judicial district.

With amendments to the four last named bills.

And that they had passed bills of the following titles, viz:

An act to amend the law of last session relating to idiots and lunatics.

An act to establish the Lexington Cemetery.

An act to change the time of holding the fall term of the Court of Appeals.

An act to change the time of holding the Knox County Court, and for other purposes.

An act to authorize James Quiett to qualify as High Sheriff of Nicholas county, and for other purposes.

An act to amend the law concerning the town of Hardinsburgh, and for other purposes.

And had adopted a resolution fixing a day for the election of Public Officers.

1. Mr. Reeves presented the petition of Robert Harrison, executor of the estate of J. B. Conolly, deceased, and Willis L. Reeves, guardian of the heirs of said Conolly, praying permission to sell a tract of land belonging to said decedent.

2 Mr. Shuck presented the petition of Mary Ann Mason, praying to be divorced from her husband, Basil B. Mason.

3. Mr. Hawkins presented the petition of the administrator of Mordecai Jackson, deceased, praying for the sale of the real estate of said dec'd.

4. Mr. McHenry presented the petition of Sarah Surlott, praying to be divorced from her husband, George Surlott.

5. Also, the petition of Thomas M. Pulliam, praying to be divorced from his wife, Margaret M. Pulliam.

6. Mr. Brent presented the petition of sundry citizens of Bourbon county, praying that when ten per cent. interest is stipulated in a contract, that it shall be coerced by law; and that if there is no specific stipulation, that six per cent. shall be the interest.

7. Mr. Taylor presented the petition of sundry citizens of Oldham county, praying that certain negroes (who were the wife and children of a free man

of color, and belonged to him,) may be set free, and made capable of inheriting his estate.

8. Mr. Hazlerigg presented the petition of William W. Gray and Polly Gray, praying that their marriage may be legalized.

9. Mr. Fletcher presented the petition of sundry citizens of Paducah, praying that the powers and fees of the Police Judge in said town may be increased.

10. Mr. Howard presented the petition of Bishop Lowry, praying that a sale of some real estate, made by him, belonging to himself and the heirs of his deceased brother, may be legalized.

11. Mr. Rudd presented the petition of Leven Lawrence, praying permission to sell a negro woman belonging to him and his two wards, Benjamin H. and Eliza D. Lawrence.

12. Mr. Hays presented the petition of sundry citizens of Hardin county, praying for the removal of the place of voting in a precinct in said county.

13. Mr. Davidson presented the petition of Claudius Duval, praying for a change in the State road in Logan county.

14. Mr. Atkinson presented the remonstrance of sundry citizens of Logan county, against said change in the State road.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred: the 1st, 3d, 6th, 7th, 9th, 10th and 11th to the committee for Courts of Justice; the 2d, 4th, 5th and 8th to the committee on Religion; the 11th to Messrs. Hays, Cofer and Craddock; and the 13th and 14th to the committee on Internal Improvement.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Newell—1. A bill for the benefit of the Sheriff of Pendleton county.

On the motion of Mr. Latimer—2. A bill for the benefit of Isam G. Hamilton, Clerk of the Boone County Court.

On the motion of Mr. Bush—3. A bill to incorporate a Methodist Episcopal Parsonage in the Winchester circuit, in said town.

On the motion of Mr. Latimer—4. A bill to amend an act, entitled, an act to amend the law which provides for condemning land and materials for works on internal improvement, approved February 23, 1837.

On the motion of Mr. Brent—5. A bill for the benefit of the Sheriff of Bourbon county.

On the motion of Mr. Bruton—6. A bill for the benefit of the Sheriff of Montgomery county.

On the motion of Mr. Johnson—7. A bill for the relief of emigrants and others.

Ordered, That the committee on Ways and Means prepare and bring in the 1st; Messrs. Latimer, H. H. Smith and Goodson the 2d; Messrs. Bush,

Calhoon, McHenry and Perciful the 3d; the committee on Internal Improvement the 4th; the committee on Claims the 5th; Messrs. Bruton, Hazlerigg and Williams the 6th; and Messrs. Johnson, Newell, Wortham and Curd the 7th.

Mr. Vance, from the committee on Ways and Means, to whom was referred that part of the Governor's message in relation to the revenue, made the following report, viz:

The Committee of Ways and Means, to whom was referred so much of the Governor's Message as relates to the Revenue, have had the same under consideration, and ask leave to make the following report:

The Committee have, with great care and attention examined the condition of the revenue of the Commonwealth, with the view of satisfying themselves of the causes which have been operating for a series of years to produce the annual inequality between the receipts and expenditures of the government, and they deem it their duty to present to the House, in the first place, the result of their examination. In the report of the Second Auditor of Public Accounts, made to the last General Assembly, that officer communicated "a statement showing the situation of the Treasury, each year, from the 10th October, 1823, to the 10th October, 1839, inclusive," from which it appears that the resources of the Treasury have, for the last sixteen years, been inadequate to the support of the Government—there having been an annual balance of expenditures over receipts at the expiration of each fiscal year. The report alluded to shows—(see Journal House of Representatives for 1839–'40, pp. 29 to 43)—that, on the 10th October, 1824, the balance, overpaid by the Treasurer, amounted to the sum of $35,457 54; on the 10th October, 1825, $26,444 69; on the 10th October, 1826, to $20,820 58; on the 10th October, 1827, to 5,429 93; on the 10th October, 1828, to $30,958 09; on the 10th October, 1829, to $54,465 61; on the 10th October, 1830, to $83,422 06; on the 10th October, 1831, in Commonwealth's paper and specie, to $111,529 58; on the 10th October, 1832, in Commonwealth's paper and specie, to $147,534 96; on the 10th October, 1833, in Commonwealth's paper and specie, to $186,729 90. By an act of the General Assembly, entitled, "an act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth," approved 1st February, 1833—(see session acts, 1832–'3, page 245)—the Cashier of that Bank was directed "to credit the account of the Treasury in the Bank, with the amount which may be due from the Treasury to the Bank on the 10th October next," after the passage of the act—and accordingly, the last stated balance against the Treasury, of $186,729 90, was cancelled in the Bank of the Commonwealth. At the next session of the General Assembly, an act was passed, entitled, "an act to increase the revenue," approved 13th February, 1834—(see session acts, 1833–'4, page 496–'7)—which required the payment of an *ad valorem* tax of ten cents, instead of six, on the hundred dollars worth of property. On the 10th October, 1834, the amount overpaid by the Treasurer, notwithstanding the accession which that act produced to the resources of the State, was $57,912 42; on the 10th October, 1835, $82,941 02 revenue fund; on the 10th October, 1836,

$82,547 96 revenue fund. Perceiving that the amount of revenue paid into the Treasury, according to the increased rate of taxation, was insufficient to meet the demands upon it for the ordinary expenditures of the government, the General Assembly again turned their attention to the subject, and, on the 23d February, 1837, passed an act, entitled, "an act to equalize taxation," which provided "that all persons, from and after the 10th day of January, 1838, when giving in their lists of taxable property shall be, and they are hereby, required to fix, on oath, a sum sufficient to cover what they shall respectively be worth from all sources, on the day to which said lists relate, exclusive of the property required by law to be listed for taxation, (not computing therein the first three hundred dollars in value, nor lands not within the State, nor other property out of this State, subject to taxation by the laws of the country where situated) upon which the same tax shall be paid, and the same proceedings in all respects had, as upon other property subject to the *ad valorem* tax"—(see Session Acts, 1836–'7, p. 313.) On the 10th October, 1837, (ensuing the passage of the last mentioned act,) the amount over paid by the Treasurer, of the revenue fund, was $91,242 46; on the 10th October, 1838, of the same fund, $53,191 72; and on the 10th October, 1839, of the same fund, $42,191 61.

From this statement of the past and present condition of the Treasury, it must be apparent to the House that the revenue of the State has been hitherto insufficient to meet the necessary expenditures, both before and since the rate, as well as the objects of taxation, have been increased.

The Committee suppose that the operation of the law changing the mode of summoning juries, and making compensation for the services of jurymen, have tended to substract a heavy amount from the annual revenue, and contributed to produce the deficits which have been mentioned; but the jury system, it is believed, is acceptable to the community, and the Committee do not recommend that it should be disturbed. It ought also to be observed, that no part of the revenue derived from taxation is applied to purposes of Internal Improvement—the Legislature having provided a separate fund for the prosecution of the public works—for the support of which the people are not burthened.

But there is another view which it is proper should be presented, in order that the General Assembly may be fully aware of the existing condition of the public finances. The Committee are aware that they may be subjecting themselves to the charge of officiousness by assuming the partial performance of duties intrusted by your honorable body to the Committee on the Sinking Fund—a committee every way qualified to do ample justice to the subject. But your Committee hope and believe that when it is considered that a known deficiency exists in that fund, and that it is their peculiar duty to recommend the ways and means for supplying that deficiency, it will not be construed amiss that they, in the absence of a report from the proper Committee, and believing that your honorable body await their action as necessary to the progression of other business dependent thereon, have taken the steps necessary to inform themselves of the amount of that deficiency, the cause of its existence, and to propose a sufficient remedy.

It is unnecessary that your Committee should give a detailed history of the Sinking Fund, the object of its creation, or its success in fulfilling the duties assigned it. For all information on those points, the Committee beg

leave to refer you to the reports of the past and present Committees on that subject. We will therefore confine ourselves strictly to the present condition of that fund, as being alone necessary to ascertain the existing deficiency, to remedy which it is the duty of your Committee to provide. Nor will we refer to the past, except so far as we may be compelled for the purpose of pointing out the causes of that deficiency, and guarding future legislation from the commission of what your Committee deem a capital error on the part of our immediate predecessors.

Your Committee beg leave to present, in the subjoined table (based upon information received from the Governor's message, and other sources deemed equally authentic,) a full expose of the condition of that fund:

The bonds sold by the State for purposes of Internal Improvement, both the interest and principal of which she has pledged her faith punctually to redeem, as they become due, are as follows:

June 8, 1835, To Bank of Kentucky, due May 25, 1865.	$100,000,	
August 11, 1835, Prime, Ward & King, due August 1, 1865.	100,000,	
April 21st, 1836, Northern Bank of Kentucky, due April 25, 1871.	100,000,	
June 1, 1836, Bank of Kentucky, due June 1, 1871.	50,000,	
April 18, 1837, War Department, due April 1, 1872.	165,000,	
June 9, 1837, Common School Fund, due May 15, 1872.	500,000,	
July 20, 1837, Common School Fund, due July 1, 1872.	170,000,	
October 2, 1837, Common School Fund, due October 1, 1872.	200,000,	
Total of 5 per cent. bonds,	$1,385,000	
The interest upon which amounts to		$69,250 00

Of 6 per cent. bonds, there have been sold as follows:

July 1, 1838, American Life Insurance and Trust Company, due July 1, 1868.	$1,250,000,	
October 1, 1839, Board of Education, due October 1, 1869.	21,500,	
July 1, 1840, Board of Education, due January 1, 1870.	22,000,	
1840, Various individuals, due January 1, 1870.	33,000,	
July, 1840, Board of Education, due July 1, 1870.	24,000,	
Amounts carried forward,	$1,350,500	$69,250 00

Amounts brought forward, -	$1,350,500	$69,250 00
November 4, 1840, Northern Bank of Kentucky due November 4, 1870.	235,000,	
November 4, 1840, Bank of Kentucky, due November 4, 1870. -	180,000,	
Total 6 per cent. bonds, -	$1,765,500	
Interest upon the same, - - - -		$105,930 00
In accordance with an act passed by the last General Assembly, there were issued of six year bonds, bearing an interest of six per cent., - - -	$600,000 00	
Due the Bank of Louisville, borrowed in 1839,	30,000 00	
Due the Bank of Kentucky, at Frankfort, borrowed in 1840, - - - -	10,000 00	
Total six year bonds and Bank debts, -	$640,000 00	
The annual interest on this sum amounts to - - -		$38,400 00
To these several amounts of interest may be added, for exchange on what is payable in New York, - - -		8,420 00
Showing the entire amount of liabilities chargeable to the Sinking Fund to be - - - - -		$222,000 00
The actual receipts of the Sinking Fund can only be estimated as follows:		
Bonus paid by the Bank of Kentucky, Northern Bank, and Bank of Louisville, of fifty cents on each share of the stock, - - - - - -	$44,172 00	
Excess of dividends in the Northern Bank, -	30,000 00	
Dividends on 400 shares in the Northern Bank, - - - - - -	3,200 00	
Dividends on 175 shares in the Bank of Louisville, - - - - - -	1,000 00	
Profits from the Bank of the Commonwealth,	12,500 00	
Profits from the Old Bank of Kentucky, -	5,967 00	
Profits on Turnpike roads, - - -	15,589 00	
Profits from the Penitentiary, - -	1,500 00	
		$113,928 00
Which, deducted from the liabilities above stated, leaves a balance of - - - - - -		$108,072 00

Thus it is manifest, that the annual liabilities of the Sinking Fund, for interest and exchange, exceed the means of payment in the sum of $108,072; or, in other words, there is a deficiency in that fund to that amount, which must be supplied from some other source.

Among the causes producing that deficiency, the most prominent has been the failure of the Bank of Kentucky to declare a dividend, thus depriving the Sinking Fund of an income estimated at one hundred and five thousand dollars—a failure which, from the known circumstances of difficulty with which that institution is surrounded, is likely, in the opinion of your Committee, to continue for some years.

The failure of the Bank of Kentucky to pay her dividends was of that class of casualties to which the resources of the Sinking Fund are, and must continue to be, peculiarly liable—casualties not to be foreseen, and, therefore, not to be provided for by the wisdom of the Legislature. But that fact would surely not excuse the representatives of a State, jealous of her honor, either to themselves or their constituents, for failing to supply a sum equal to the deficiency known to exist, thereby sacrificing the public credit, which it is their imperative duty to protect.

The consequences of such failure are too evident, in the present position of our finances, to render a minute reference to them necessary. Among the many disastrous effects of such an omission, the Committee may be excused for drawing the attention of the House to one which particularly threatens to become fastened upon the Commonwealth, as a part of her financial system. We allude to making loans of our Banks for paying the interest upon our bonds, and for other purposes—thereby rapidly increasing our debt by compounding the interest—debasing the State into a dependence upon her creatures, and a mendicant at their counter—crippling the Banks themselves—forcing them to withhold from private enterprize the assistance they were created to extend, or destroy the currency by an extraordinary issue of paper money, without the means of absorbtion—for surely none will contend that the notes of our Banks, thus thrown into circulation, and represented in their vaults by thirty year State bonds, are more or less than irredeemable certificates of State debt.

The Committee believing that your legislation upon the finances of the Treasury, whatever that legislation may be, necessarily affects the whole monetary system of the State, the guardianship of which has been entrusted to the Legislature, beg leave to point out the contingent advantages affecting the currency, by promptly providing for the wants of the Treasury and the deficiency of the Sinking Fund. You thereby support the credit of the State, and, by so doing, enable the Banks to make sale of the State bonds which they hold, to advantage, and, in effect, grant them the means of resuming and sustaining specie payments.

The question is now presented for serious consideration: Will the Legislature of a great and flourishing Commonwealth hesitate to provide the means necessary to supply the deficiencies shown to exist in the Revenue and Sinking Fund, by the adoption of measures to strengthen and increase the resources of that Fund? The Committee recommend, as the surest means of accomplishing this object, an immediate resort to taxation, and they propose that the revenue should be increased from ten to fifteen cents ad valorum. The revenue should always, in every well regulated government, be equal to all the necessary and lawful disbursements of the State. No people are more able, or more willing to contribute the means for that purpose, than the people of Kentucky. The Committee believe that the law to which they have referred, raising the taxes from six to ten cents, produced no public dissatisfaction; on the contrary, that the measure received general, not to say universal, approbation. If the people of Kentucky are jealous of the taxing power, they are at the same time proud spirited and just; and their jealousy extends only to unreasonable taxation. They will be the last to complain, if the power is exercised judiciously and with a becoming respect to the public exigencies. The Committee believe that the addition of five cents to the present rate of tax, will relieve the Treasury

from all future embarrassments, and place the credit of the Commonwealth on high and intangible grounds. Such, by universal acknowledgment, should be the attitude of Kentucky: and the Committee will not believe for a moment that the General Assembly will shrink from any just responsibility, the assumption of which will enable her to retain the enviable position she now occupies in the estimation of her sister States. For the foregoing reasons, they have felt it to be their duty to report a bill to increase the revenue.

WM. R. VANCE, *Chairman.*

THOS. M. FORMAN,
GEORGE B. MASON,
CHARLES A. MARSHALL,
JAMES RUDD,
ROBERT MITCHELL,
JOHN CURD,
GREEN ADAMS.

We except to so much of the report as refers to the ordinary revenue, believing that the statements on that subject, although correctly extracted from the reports of the Auditor, are calculated to produce the impression that the ordinary revenue has been, for years past, unequal to the ordinary expenditures of the Commonwealth; when, in fact, since the equalizing law took effect, the revenue derived from taxation has been not only equal to the annual expenditures chargeable to the Treasury, but yielded an annual surplus, which has been applied by the department to the payment of a debt incurred previous to 1837, reducing that debt, in three years, from $91,242 45 cents, its amount on the 10th October, 1837, to $37,775 52 cents still due 10th October, 1840, and appearing in the annual report of the Auditor, and referred to by the Governor, as an actual deficit.

THOS. M. FORMAN,
CHARLES A. MARSHALL,
GREEN ADAMS,
JOHN CURD.

Ordered, That the Public Printer forthwith print 5000 copies of the said report for the use of the members of this House.

Mr. Vance, from the same committee, reported a bill to increase the revenue, and for other purposes.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with,

Ordered, That said bill be referred to a committee of the whole, and made the special order of the day for Monday, the 18th inst.

Ordered, That the Public Printer forthwith print 150 copies of the said bill, for the use of the members of the General Assembly.

Mr. Towles, from the committee on Education, to whom was referred a bill to establish the Kentucky Institution for the education of the blind—reported the same without amendment.

Ordered, That said bill be referred to a committee of the whole House, and made the special order of the day for Thursday next, the 14th inst.

And then the House adjourned.

TUESDAY, JANUARY 12, 1841.

1. Mr. Shanks presented the petition of sundry citizens of Lincoln county, praying a change in the Trustees of Stanford Academy.

2. Mr. Haydon presented the remonstrance of the Trustees of said Academy, against a change of its Trustees.

3. Mr. Latimer presented the petition of Robert S. Brame, praying to be divorced from his wife, Elizabeth Brame.

4. Mr. Perciful presented the petition of the administrator and heirs of Stith Saunders, deceased, praying the passage of a law authorizing a sale of the real estate of said deceased.

5. Mr. Mitchell presented the petition of Samuel G. Lowe, praying the passage of a law allowing him a change of venue in a prosecution now pending against him for felony, in the Washington Circuit Court.

6. Mr. Watts presented the remonstrance of sundry citizens of Livingston county, against the formation of a new county.

Which petitions and remonstrances were received, the reading thereof dispensed with, and referred: (except the 6th, which was laid on the table,) the 1st and 2d to the committee on Education; the 3d to the committee on Religion; and the 4th and 5th to the committee for Courts of Justice.

The Speaker laid before the House a communication from the First Auditor of Public Accounts, which is as follows, viz:

STATE OF KENTUCKY, AUDITOR'S OFFICE,
January 12, 1841.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SIR: Please lay before the House over which your honor presides, the following correction of a clerical error committed in copying requisition of the Board of Internal Improvement in favor of Prentice & Weisinger, dated 30th Sept. 1839, discovered on page 13 on Auditor's annual report for the year ending 10th Oct'r. 1840, which reads thus: "For printing a contract, $70," should read "for printing a notice for contract, $70," and oblige yours, &c.

BEN. SELBY, *Auditor Public Accounts.*

The Speaker laid before the House a communication from the Secretary of State, which is as follows, viz :

OFFICE OF THE SECRETARY OF STATE,
January 11th, 1841.

SIR:

I have the honor to transmit to the House of Representatives, through you, quarterly statements of the resources and liabilities of the Bank of Kentucky, and Branches.

Very respectfully, your obedient servant,

JAMES HARLAN,
Secretary of State.

Ordered, That said communication, and the documents accompanying the same, be referred to the committee on Banks.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a preamble and resolutions which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act giving the Sheriff of Union county further time to return his delinquent list.

An act to incorporate the Ciceronian Society of Georgetown College.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.

An act for the benefit of the Clerk of the Greenup County Court.

An act to allow an additional Justice of the Peace and Constable to Washington county.

An act concerning the town of Russellville.

An act for the benefit of Henry R. Smith.

An act to establish a tobacco inspection at the warehouse of Loving Garrett, in the county of Trimble.

An act explanatory of the act incorporating the Tan Theta Kappy Society of Georgetown College.

An act to alter the terms of the Cumberland Circuit Court, and to change the time of holding the Monroe Circuit Court.

An act for the benefit of the fire company in the town of Paducah.

An act to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838.

A preamble and resolutions in relation to a United States Bank and the Public Lands.

And a bill which originated in the Senate, entitled,

An act for the benefit of Wm. Russell.

The Speaker laid before the House the response of the Board of Internal Improvement to the resolution of this House of the 4th instant, which is as follows, viz :

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 12, 1841.

SIR:

I have the honor to transmit to the House of Representatives the report of the Board of Internal Improvement, in answer to their resolution of the 4th instant.

Very respectfully, &c.

JAS. T. MOREHEAD.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

The Board of Internal Improvement, in answer to the resolution of the House of Representatives of the 4th instant, respectfully submit the following report:

That by the 5th section of the act, entitled, "an act to provide for the payment of the public contractors, and to preserve the faith of the State," approved 21st February, 1840, it was provided, that "if any of the public contractors of this Commonwealth shall be willing to accept, as payment or part payment of their dues from this Commonwealth, any of the bonds or scrip of the State, authorized to be issued by this act, it shall be the duty of the Governor to issue the same, and place it in the Treasury; and upon the requisition of the Board of Internal Improvement, and warrant of the Auditor in favor of such contractor, it shall be the duty of the Treasurer to pay the same, which shall be received by the contractor, and charge to the Board as so much money."

On the 6th of March, 1840, the contractors for the construction of slack-water navigation on the Licking, the Kentucky, and the Green and Barren rivers, and the Presidents of the Turnpike Road Companies, were invited to meet the Board of Internal Improvement at Frankfort, on the First Monday in April, for the purpose of determining what arrangements could be made for the payment of the contractors in State bonds, and the Presidents of the road companies were requested to conselt the contractors on their respective roads, and ascertain what proportion of the debts due them, they would be willing to receive in those bonds, at par value. The meeting accordingly took place, and there was a general attendance. The contractors on the rivers were either present in person, or, as the Board were informed, were represented.

The Board had under their control no other funds for the payment of the debts due for work which had been done, or for the prosecution of the works during the year, but the scrip of the State, which was authorized to be issued by the act of the 21st February, 1840, before referred to. That act was construed by the Board as giving to the public contractors the option of receiving the bonds at par, or not, as they might determine. The Board therefore informed them that they had no other means of meeting the public engagements, and the question was put to the contractors in a body, whether they were, or were not, willing to receive the bonds at par, for the debts due them, or submit to a suspension of their respective works? And

to that question an affirmative answer was given, as the Board believed, without exception. The Board did not submit to them the alternative of "either quitting the service of the State, without forfeiture of any sum, or of progressing with their works, and receiving only State bonds at par value, in payment thereof, for work finished." The Board did not suppose then, nor do they now, that they possessed any authority, under the law, to make any such proposition. The act referred to, was understood by them as contemplating, not a *forfeiture* of the contracts, but only a *suspension* of the works. By the 7th section, it was provided, that "if a sufficient sum shall not be sold to pay off the whole amount now due to the said contractors, then and in that case, the Board of Internal Improvement are hereby directed and required to make a *pro rata* distribution between them, in proportion to the amount due; and if the same difficulty shall present itself to the procurement of money to progress with the public works, which now exists, and any further sale of bonds shall be made under the provisions of this act, than shall be necessary to the payment of the public contractors as above, then and in that case, it shall be the duty of the Board of Internal Improvement to endeavor to make such equitable arrangements with the contractors as they may assent to, providing *for the suspension of the public works for the present.*" The contractors were distinctly informed, that if the State bonds were not received by them, the consequence would be a suspension of the works, as the Board had no other means of carrying them on, than those which the law had provided, unless the Governor was enabled to sell the bonds, of which no assurance was given. The willingness of the contractors to receive the bonds, as stated, rendered it unnecessary to take any steps for the indefinite suspension of the works.

In answer to that branch of the resolution which requires the Board to state "whether the agreement between the contractors and the Board to receive at par value, the six year bonds of the State, did not, in their opinion, result from the necessities of said contractors (the State having failed to provide other funds,) compelling them to accept said bonds, or nothing, for work heretofore done"—the Board respectfully reply, that they do not doubt that the contractors would have preferred money to the bonds; and that in many instances, perhaps in all, the interest of the contractors required that they should receive the bonds, subject to their depreciation, rather than submit to the inconvenience which a delay in the payment of the debts due them would have produced, if a resort to the sale of the bonds had become necessary. And the Board deem it reasonable to suppose that the contractors acceded to the proposition to receive bonds—1st. Because they were unwilling to suspend contracts which, in the end, they expected would be profitable; and 2dly. Because, in their opinion, the depreciation in prices of labor and provisions would compensate them for the depreciation in value of the bonds. Otherwise, it appears difficult to assign any reason why they did not await such equitable propositions for indemnity as the law contemplated, in the event of their preferring a suspension of their contracts, to an acceptance of the bonds at par.

All of which is respectfully submitted.

J. T. MOREHEAD,
SAM'L DAVIESS,
THOMAS METCALFE.

The House again resumed the consideration of the preamble and resolutions read and laid on the table, in relation to an amendment of the Constitution of the United States, by Mr. Thompson.

Mr. Thompson then withdrew the preamble to said resolutions.

The question was then taken on the amendment proposed by Mr. A. Harding to the first resolution, viz: Strike out the word "requested," and insert "instructed;" and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Paris and Brien were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Harrison,	Raymon,
Messrs. Atkinson,	Hart,	Reeves,
Brien,	Hawkins,	Riffe,
Buckner,	Haydon,	Rowlett,
Bush,	Hays,	Shanks,
Caldwell,	Hazlerigg,	Shaw,
Calhoon,	Howard,	Smith, B.
Chilton,	Innes,	South,
Combs,	Johnson,	Stephens, N. B.
Craddock,	Kirtley,	Stevens, J.
Crenshaw,	Lackey,	Stockton,
Davidson,	Loving,	Taylor,
Fletcher,	Marshall, W. N.	Thomas,
Ford,	Mason,	Thomasson,
Goble,	Mitchell,	Towles,
Graham,	Morgan,	Wakefield,
Gray,	Nance,	Williams,
Haggard,	Newell,	Woodson,
Hammond,	Paris,	Wortham—59.
Harding,	Perciful,	

Those who voted in the negative were—

Messrs. Adams,	Forman,	Snyder,
Botts,	Gabbert,	Speed,
Brent,	Hardin,	Sprigg,
Bruton,	Latimer,	Thompson,
Bullock,	Marshall, C. A.	Triplett,
Chenault,	Marshall, W. C.	Trussell,
Clay,	McHenry,	Vance,
Cofer,	Miller,	Waring,
Colyer,	Park,	Watkins,
Cunningham,	Rudd,	Watts,
Curd,	Shuck,	White—35.
Curle,	Smith, H. H.	

Mr. Woodson then proposed the following as a substitute for said resolutions, viz:

Resolved, That in the opinion of the General Assembly of the Commonwealth of Kentucky, the Constitution of the United States should be so amended as to restrict the President from serving more than one term; and that an amendment to that effect should be presented by the Congress of the United States to the several States, for their consideration.

Resolved, That the Governor cause a copy of the foregoing resolution to be transmitted to our Senators and Representatives in Congress, to be presented by them to the Congress of the United States; and likewise to the Executives of the several States, to be laid before their respective Legislatures.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The question was then taken on the adoption of the resolutions, as amended, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. W. C. Marshall and Vance, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Atkinson,
Botts,
Brent,
Bruton,
Buckner,
Bullock,
Bush,
Caldwell,
Calhoon,
Chenault,
Chilton,
Clay,
Cofer,
Colyer,
Combs,
Craddock,
Crenshaw,
Cunningham,
Curd,
Curle,
Davidson,
Fletcher,
Ford,
Forman,
Gabbert,
Goble,
Graham,
Gray,
Haggard,
Hammond,
Harding,
Hardin,
Harrison,
Hart,
Hawkins,
Haydon,
Hays,
Hazlerigg,
Howard,
Innes,
Johnson,
Kirtley,
Latimer,
Loving,
Marshall, C. A.
Marshall, W. C.
Marshall, W. N.
Mason,
McHenry,
Miller,
Mitchell,
Morgan,
Nance,
Newell,
Paris,
Park,
Perciful,
Raymon,
Reeves,
Riffe,
Rowlett,
Rudd,
Shanks,
Shaw,
Shuck,
Smith, B.
Smith, H. H.
Snyder,
South,
Speed,
Stephens, N. B.
Stevens, J.
Stockton,
Taylor,
Thompson,
Towles,
Triplett,
Trussell,
Vance,
Wakefield,
Waring,
Watkins,
Watts,
White,
Williams,
Woodson—88.

Those who voted in the negative were—

Messrs. Brien, Thomasson—2.

Mr. Speed moved the following resolution, viz:

Resolved, That the use of the Hall of the House of Representatives be tendered to Dr. Drake, this evening, for the purpose of an address on the subject of Agriculture.

Which being twice read, was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 13, 1841.

1. Mr. Johnson presented the petition of Sarah Ann Mullinick, praying te be divorced from her husband, Benjamin Mullinick.

2. Mr. Haydon presented the petition of Wm. Simpson, Clerk of the Wayne County Court, praying the passage of a law refunding to him sixty dollars, paid into the Treasury for pedlar's license, which he did not receive, owning to his not being apprised of a change in the law upon that subject.

3. Mr. H. H. Smith presented the remonstrance of sundry citizens of Hopkins county, against the formation of a new county out of parts of said county and the counties of Caldwell, Union and Livingston.

4. Mr. Latimer presented the petition of sundry citizens of Boone and Kenton counties, praying a repeal of the law authorizing licenses to be granted for retailing spirituous liquors.

5. Mr. Forman presented the petition of sundry citizens of Mason county, upon the same subject.

6. Mr. Clay presented the petition of the contractors for the construction of locks and dams on the Kentucky river, praying the passage of a law refunding to them the loss sustained by them on account of discounts on State bonds.

7. Mr. H. H. Smith presented the petition of sundry citizens of Caldwell county, praying a division of Livingston county, and the formation of a new county out of parts of said counties.

8. Mr. Bruton presented the petition of sundry contractors on the Owingsville and Big Sandy turnpike road, praying that the losses sustained by them, by reason of discounts on State bonds, be refunded to them.

9. Mr. Shuck presented the protest of Basil B. Mason, against granting

a divorce to his wife, Mary Ann Mason; in which is a petition (on his part) for a divorce from his said wife.

Which petitions, remonstrance and protest were received, the reading thereof dispensed with, and referred: (except the 3d and 7th, which were laid on the table,) the 1st, 4th, 5th and 9th to the committee on Religion; the 2d to the committee on Claims; the 6th and 8th to the committee on Internal Improvement.

The House again resumed the consideration of the resolution proposed by the committee on Education, rejecting the petition of the New York Historical Society.

The question was then taken on striking out the words "be rejected," and insert "is reasonable," and decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act to change the place of voting in two election precincts in Livingston county.

An act to establish an election precinct in Calloway county, and for other purposes.

An act to change the place of voting in the Sales precinct, in Jefferson county, and for other purposes.

An act to amend the election laws of this State.

And that they had passed a bill entitled, an act to change the time of the annual meeting of the Legislature.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills and a preamble and resolutions, which originated in this House, of the following titles, viz:

Preamble and resolutions in relation to a United States Bank and the Public Lands.

An act for the benefit of the Fire Company, in the town of Paducah.

An act to alter the terms of the Cumberland Circuit Court, and to change the time of holding the Monroe Circuit Court.

An act explanatory of the act incorporating the Tan Theta Kappa Society of Georgetown College.

An act to establish a Tobacco Inspection at the Warehouse of Loving Garrett, in the county of Trimble.

An act for the benefit of Henry R. Smith.

An act concerning the town of Russellville.

An act to allow an additional Justice of the Peace and Constable to Washington county.

An act for the benefit of the Clerk of the Greenup County Court.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.

An act to incorporate the Ciceronian Society of Georgetown College.

An act giving the Sheriff of Union county further time to return his delinquent list.

An act to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838. Approved January 12, 1841.

The Speaker laid before the House a communication from the Secretary of State, which is as follows, viz:

OFFICE OF THE SECRETARY OF STATE,
January 13th, 1841.

SIR:

I have the honor to transmit to the House of Representatives, through you, a statement showing the resources and liabilities of the Bank of Louisville, from the 1st of February, 1840, to the 1st instant; and such monthly statements of the condition of the Louisville Savings Institution and the Mechanics' Savings Institution of Louisville, as have been transmitted to this office.

Very respectfully, your ob't serv't,
JAMES HARLAN,
Secretary of State.

To C. S. MOREHEAD, Esq.,
Speaker of the House of Representatives.

Ordered, That said communication and the accompanying documents be referred to the committee on Banks.

On motion of Mr. Johnson,

Ordered, That the Public Printer forthwith print 150 copies of the response of the Board of Internal Improvement to a resolution of this House on the 4th instant.

The amendments proposed by the Senate to a bill from this House, entitled, an act providing for a special term of the Gallatin Circuit Court—were twice read, and concurred in.

Mr. Woodson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Campbell and Kenton counties, praying for a re-division of said counties—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. Adams moved to reverse the report of the committee; and that the petition be re-committed to the same committee, with instructions to report a bill repealing the act of last session, dividing the county of Campbell.

A division of the question being called for, the question was first taken on reversing the report of the committee, and decided in the negative.

The resolution of the committee was then twice read, and concurred in.

The following bills were reported by Mr. Craddock, from the committee on Education, viz:

A bill to transfer the vacant lands in Lawrence, Carter and Livingston counties, to the use of common schools.

A bill for the benefit of the first school district in Pike county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill to establish the county of Howard, was read a second time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of March, in the year one thousand eight hundred and forty one, all the parts of Union, Hopkins, Livingston and Caldwell counties contained in the following boundaries, to-wit: Beginning at the mouth of Donaldson's creek, in Caldwell county, and running thence up said creek to Pierce's mill; thence in a direct line to bridge on Outon's creek; thence to James Clinton's farm, on the old Saline road; thence down said road to Wheeler's old farm, in the county of Livingston; thence in a direct line to Going's mill, on Crooked creek; thence down said creek to the Ohio river; thence up said river to the mouth of Tradewater river; thence up Tradewater river to the lower end of the Big Half Moon Lick, in Union county; thence in a direct line to the residence of Joseph Mitchell, late John Holeman, deceased, so as to include the same; thence to Harpe's Head, on the line between Henderson and Union counties; thence with said line to the Hopkins county line; thence with the line between the counties of Henderson and Hopkins to a point opposite to Mashaw's old farm, in Henderson; thence in a direct line to the residence of Eden Craig, so as to include it; thence to Milton Sisk's, so as to include his house; thence in a direct line to Wilson's old warehouse, on the bank of Tradewater river; thence down Tradewater, with the several meanders thereof, to the beginning—be, and the same is hereby, established and erected into a distinct county, to be called and known by the name of Howard, in honor of Benjamin Howard.

SEC. 2. The said county of Howard shall be entitled to eleven Justices of the Peace; who, after having been commissioned and taken the usual oaths of office before any duly qualified Justice of the Peace of this Commonwealth, shall, on the first Monday in March, eighteen hundred and forty one, meet at the house of Samuel Whitesides, on the road from Providence to Morganfield; and after having qualified their Sheriff, they shall proceed to appoint their Clerk, to whose permanent appointment a majority of all the Justices of the County Court shall concur; but if a majority shall not concur in favor of any one candidate, then the court shall make a *pro tem.* appointment until such concurrence shall be had.

SEC. 3. That the Circuit and County Courts of Union, Hopkins, Livingston and Caldwell, and the Justices of the Peace thereof, shall have jurisdic-

tion of all cases, either law or equity, instituted before this act shall take effect; and it shall be lawful for the Sheriff, Coroner, Constables and other collecting officers in said counties of Union, Hopkins, Livingston and Caldwell, to collect all moneys, and execute all process as the law directs, which may be in their hands at the time this act takes effect, and account for and pay over the same according to law.

SEC. 4. That the County Court of Howard county shall appoint Commissioners of Tax for the year eighteen hundred and forty one, who shall be governed by the laws which may be in force on that subject.

SEC. 5. That the county of Howard be allowed six Constables, to be appointed by the County Court of said county, a majority of all the Justices of said court, in commission, being present, and concurring in said appointment; and the said court shall, at the same time, lay off the said county into districts, pursuant to the laws now in force on that subject; and the qualified voters of said county shall vote at all elections for senators and representatives in the General Assembly of this Commonwealth, and members of Congress and other officers, in the same manner and at the same places, and the polls shall be compared at the same places, as though this act had not passed, until the same be changed by legislative enactment.

SEC. 6. That the said county of Howard be, and the same is hereby, attached to the seventh Judicial district, and the Circuit Courts for said county shall be holden on the first Mondays in April, July and October, and shall continue six juridical days, if the business of said court shall require; and the County Court shall be holden on the first Mondays in every month in which the Circuit Courts are not holden.

SEC. 7. That Lessonby Nance, of Trigg county; Edmund H. Hopkins, of Henderson county, and Daniel H. Harrison, of Christian county, be, and they are hereby, appointed Commissioners to select a suitable place for the permanent location of the seat of justice of said county; and that the said Commissioners shall meet at such place and time as the County Court of said county shall appoint, and shall proceed to examine the different situations in said county, and shall select the one in their opinion the most eligible, and shall report their choice to the County Court of said county, at or before its next June term; and the Justices thereof shall make provision for procuring a lot or lots of ground at said place, for the erection of a court house, jail, clerks' offices, stray pen, &c., and shall proceed to cause the same to be erected and built, as they may think necessary; and until said buildings are finished, it shall be the duty of the said County Court to provide, at the expense of said county, a suitable house, as near as may be to the said selected location, in which the County and Circuit Courts in and for said county may be held; and the said Commissioners shall be entitled to the sum of four dollars per day, each, for each day they may be engaged in going to, locating, and returning home from said seat of justice, to be paid out of the county levy of said county of Howard.

SEC. 8. It shall be the duty of the said County Court of said county to appoint one or more Commissioners, who, in conjunction with such other Commissioner or Commissioners as may be appointed by the County Courts of the adjoining counties, and the County Surveyor of said county, to run and mark the dividing lines between the said county of Howard and the adjoining counties, agreeable to the boundaries herein before set forth; and the said County Court of Howard shall give notice to the County Court of each

of the adjoining counties, of the time proposed for running and marking the dividing line between them, and request the appointment of Commissioners on their part, to attend to the running and marking of said lines; and the said County Court of Howard shall pay out of the county levy the expenses attending such division on their part; and if the County Courts of the said adjoining counties shall fail, upon being notified, to appoint such Commissioners, or the Commissioners, when appointed, shall fail or refuse to act, the said Commissioner or Commissioners on the part of Howard county shall proceed to run and mark said line, together with the Surveyor aforesaid.

SEC. 9. *Be it further enacted*, That if either of the Commissioners appointed by the seventh section of this act shall fail to attend, from any cause, at the time and place designated by the County Court as aforesaid for their meeting, the Commissioners who do attend shall select some other Commissioner to act with them, whose acts in the premises shall be as lawful and valid as though he had been appointed by this act.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Hammond and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Atkinson,	Hawkins,	Rowlett,
Cofer,	Hays,	Shanks,
Combs,	Hazlerigg,	Shuck,
Curle,	Howard,	South,
Fletcher,	Imboden,	Speed,
Ford,	Kirtley,	Stephens, N. B.
Gabbert,	Lackey,	Stevens, J.
Goble,	Latimer,	Thomas,
Goodson,	Loving,	Towles,
Graham,	Marshall, W. N.	Wakefield,
Gray,	Mitchell,	Watts,
Haggard,	Nance,	Wortham—37.
Hammond,		

Those who voted in the negative were—

Mr. Speaker,	Davidson,	Reeves,
Messrs. Adams,	Draffin,	Riffe,
Brent,	Forman,	Shaw,
Brien,	Harding,	Smith, B.
Bruton,	Hardin,	Smith, H. H.
Buckner,	Harrison,	Snyder,
Bullock,	Hart,	Stockton,
Bush,	Innis,	Taylor,
Caldwell,	Johnson,	Thomasson,
Calhoon,	Marshall, W. C.	Triplett,

Chenault,	Mason,	Trussell,
Chilton,	McHenry,	Vance,
Clay,	Morgan,	Waring,
Colyer,	Newell,	Watkins,
Craddock,	Paris,	White,
Crenshaw,	Park,	Williams,
Cunningham,	Perciful,	Woodson—53.
Curd,	Raymon,	

On motion of Mr. Bullock,

Resolved, That the friends of Education, now holding a convention in this city, be tendered the use of the Hall of the House of Representatives on this evening.

On motion of Mr. Crenshaw,

Resolved, That the Representative Hall be tendered to James Shannon, President of Bacon College, at Harrodsburg, on the 5th Sunday in this month, for Divine worship.

And then the House adjourned.

THURSDAY, JANUARY 14, 1841.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to amend an act, entitled, an act to divide the State into Congressional districts.

An act for the benefit of George H. Clements, and others.

An act to change the place of voting in an election precinct in Hopkins county.

An act to establish an election precinct in Perry county, and for other purposes.

An act for the benefit of married women whose husbands have abandoned them.

An act for the benefit of Cassius M. Clay.

An act for the benefit of the Louisville Pilots' Benevolent Society.

That they had passed bills of the following titles, viz:

An act to incorporate the Grand Lodge of Kentucky.

An act to change the time of holding the County Courts of Monroe.

An act to allow an additional Constable to Breckinridge county.

An act for the benefit of Robert Pace and Levi Pennington.

An act to amend and reduce into one the several acts concerning the fire company in the town of Shelbyville.

That they had adopted a resolution to authorize the Secretary of State to deliver to the Kentucky Historical Society certain books and documents.

And had received official information from the Governor, that he had approved and signed an enrolled bill which originated therein, entitled,

An act for the benefit of William Russell.

Approved January 12, 1841.

1. Mr. Clay presented the petition of the President and Directors of the Lexington and Ohio Railroad Company, praying permission to borrow money to repair the road, and mortgage the same for the payment of the money borrowed.

2. Mr. Lackey presented the petit on of sundry citizens of Floyd, Lawrence and Morgan counties, praying for the formation of a new county out of parts of said counties.

3. Mr. Draffin presented the petition of B. Edrington, and others, praying that they may have a part of the Franklin and Crab Orchard turnpike road surrendered to them for five years, on certain conditions.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice; the 3d to the committee on Internal Improvement; and the 2d was laid on the table.

The Speaker laid before the House the annual report of the Commissioners of the Green and Barren river navigation.

[*For this report, see Legislative Documents—page* 369.]

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

A message was received from the Senate, announcing that they had passed a bill entitled, an act for the benefit of Shelton Bradley, and for other purposes.

Mr. Innes, from the committee on Claims, to whom was referred the petition of Benjamin Hansford—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Curle, from the same committee, to whom was referred the petition of Mary Peck—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which was concurred in.

Mr. Craddock, from the same committee, to whom was referred the petition of W. F. Evans, J. C. Mulligan, &c.—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Calhoon, from the committee for Courts of Justice, to whom was re-

ferred a bill from the Senate, entitled, an act to regulate the fees of the Marshal of the Louisville Chancery Court—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Caldwell, from the same committee, to whom was referred the petition of sundry citizens of Paducah—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Shuck, from the same committee, to whom was referred the petition of sundry citizens of Bath county, in relation to the interest on money—asked leave to be discharged from the further consideration thereof; which was granted.

A bill from the Senate, entitled, an act for the benefit of Shelton Bradley, and for other purposes,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with,

Ordered, That said bill be referred to the committee for Courts of Justice.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting in two election precincts in Livingston county.

An act to establish an election precinct in Calloway county, and for other purposes.

An act to change the place of voting in the Sales precinct, in Jefferson county, and for other purposes.

An act regulating the special terms of the Circuit Courts for the trial of criminals.

An act to amend the election laws of this State.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

Mr. Caldwell, from the committee for Courts of Justice, who were directed to prepare and bring in a bill for the benefit of the heirs of Jas. Humbel, deceased—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject; which was concurred in.

Mr. Caldwell, from the same committee, to whom was referred a bill to

amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 1, 1840—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz :

By the committee on Claims—A bill for the benefit of John Jones, late Sheriff of Jefferson county.

By same—A bill for the benefit of the Sheriff of Bourbon county.

By the committee for Courts of Justice—A bill to emancipate Eliza, and her children, and for other purposes.

By same—A bill to provide for a change of venue in a prosecution against Samuel G. Lowe.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Caldwell, from the committee for Courts of Justice, to whom was referred a bill for the benefit of mechanics and others—reported the same without amendment.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole—Mr. Vance in the chair—on the bill to establish the Kentucky Institution for the education of the blind ; and after some time spent therein, the Speaker resumed the chair ; when Mr. Vance reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein ; but not having time to go through with the same, had instructed him to ask leave to sit again ; which was granted.

And then the House adjourned.

FRIDAY, JANUARY 15, 1841.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act for the benefit of George W. Clark.

An act to divorce Nancy Shelton.

An act for the divorce of Harrison Turner.

An act to divorce Thomas A. Palmer.

An act to divorce Elizabeth Fox, and to change her name.

An act to incorporate the Elizabethtown Fire Company.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

An act to change the boundary of Georgetown, Scott county.

An act abolishing the election precincts in Pulaski county.

An act to amend an act, entitled, an act incorporating the Frankfort, Georgetown and Paris Turnpike Road Company, approved February 28, 1835.

An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell county.

An act to amend an act allowing compensation to the Clerks of the Scott County and Circuit Courts for transcribing the burnt records, approved Feb. 16, 1838.

An act for the benefit of Shelby College, and the Theological Seminary of the Protestant Episcopal Church in Kentucky.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act to amend the election laws of this State.

An act to change the places of voting in two election precincts in Livingston county.

An act to change the place of voting in the Sales precinct, in Jefferson county.

An act to establish an election precinct in Calloway county, and for other purposes.

An act regulating the special terms of the Circuit Courts for the trial of criminals. Approved January 14, 1841.

Mr. Watts asked leave to withdraw the petitions of sundry citizens of Livingston, Caldwell, Union and Hopkins counties, praying for a new county; which was granted, and the said petitions withdrawn.

On motion of Mr. Lackey,

Ordered, That the petition of sundry citizens of Lawrence, Morgan and

Floyd counties, praying for a new county out of parts of said counties, which was presented on yesterday, be taken up from the table, and referred to the committee on Propositions and Grievances.

Mr. Clay asked leave to withdraw the petition of Thomas B. Megowan; which was granted, and the petition withdrawn.

1. Mr. Lacky presented the remonstrance of sundry citizens of Floyd and Morgan counties, against the formation of a new county out of parts of said counties and the county of Lawrence.

2. Mr. Buckner presented the petition of Allen P. Pool, and sundry citizens of Christian county, praying that the said Pool may be released from the payment of stock subscribed by him in a turnpike road.

3. Also, the petition of Francis Howard, and others, praying that said Howard may be released from the payment of stock in the same company.

4. Mr Bush presented the petition of Abner Wiseman, Jr. and Jacob Wiseman, praying that a mill seat be condemned, and they be authorized to build a mill on Station Camp creek, in Estill county.

5. Mr. Speed presented the resolutions of the Kentucky Education Society in relation to common schools.

6. Mr. Hazlerigg presented the petition of sundry citizens of Bath county, praying for an additional Justice of the Peace to said county.

7. Mr. Fletcher presented the petition of sundry citizens of Hickman county, praying for a new county out of parts of Hickman and McCracken counties.

Which petitions, remonstrance and resolutions were received, the reading thereof dispensed with, and referred: the 1st and 7th to the committee on Propositions and Grievances; the 2d, 3d and 4th to the committee for Courts of Justice; the 5th to the committee on Education; and the 6th to Messrs. Hazlerigg, Bruton, Williams, Triplett and Bush.

On motion of Mr. Calhoon,

Ordered, That the further consideration of the bill for the relief of me-mechanics and others, be postponed until Monday next.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of Shelton Bradley, and for other purposes—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Calhoon, from the same committee, to whom was referred the petition of William Allen, administrator of Angus McDaniel—reported the same with the following resolution, viz:

Resolved, That said petition be rejected; which was concurred in.

On motion of Mr. Loving,

Ordered, That he be permitted to withdraw said petition; and the same was withdrawn.

Mr. Calhoon, from the same committee, to whom was referred the petition of the guardian of the heirs of J. B. Conolly, deceased—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

On motion of Mr. Reeves,

Ordered, That he be permitted to withdraw said petition; and the same was withdrawn.

Mr. Calhoon, from the same committee, to whom was referred a bill from the Senate, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial district—reported the same without amendment.

Mr. Brien then moved to amend said bill, by striking out all after the enacting clause, and insert in lieu thereof the following:

That the Circuit Courts of the several courts composing the sixteenth Judicial district shall be held, and continue their terms the number of days hereinafter expressed, if the business of the courts shall require it. The Circuit Court of Caldwell county shall commence on the fourth Monday in February in each year, and continue twelve juridical days; on the first Monday in June, and continue six juridical days; on the fourth Monday in August, and continue twelve juridical days. The Circuit Court of Livingston county shall commence on the second Monday in March, and continue twelve juridical days; on the second Monday in June, and continue six juridical days; on the second Monday in September, and continue twelve juridical days. The Circuit Court of McCracken county shall commence on the fourth Monday in March, and continue twelve juridical days; on the third Monday in June, and continue six juridical days; on the fourth Monday in September, and continue twelve juridical days. The Circuit Court of Calloway county shall commence on the third Monday in April; on the fourth Monday in June, and on the third Monday in October, and continue each term six juridical days. The Circuit Court of Graves county shall commence on the fourth Monday in April; on the first Monday in July, and on the fourth Monday in October, and continue six juridical days at each term. The Circuit Court of Hickman county shall commence on the first Monday in May, and continue twelve juridical days; on the second Monday in July, and continue twelve juridical days; on the first Monday in November, and continue eighteen juridical days, if the business of the court require it.

Be it further enacted, That eighteen juridical days be allowed to the Caldwell Circuit Court, whenever there are five Mondays in the months of March or June; and the McCracken Circuit Court have eighteen juridical days, whenever there are five Mondays in September or October; and that Calloway have twelve juridical days, when there are five Mondays in April or June; and that Graves Circuit Court have twelve juridical days, when there are five Mondays in October.

Be it further enacted, That all process heretofore issued, or which may

be hereafter issued, returnable to any of the several courts as they are now directed to be holden, shall be returnable to the terms as changed by this act.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Brien and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Innes,	Riffe,
Bullock,	Lackey,	Rowlett,
Caldwell,	Lair,	South,
Curd,	Loving,	Speed,
Davidson,	Marshall, W. N.	Stephens, N. B.
Draffin,	Mason,	Stevens, J.
Goble,	Mitchell,	Thomas,
Graham,	Nance,	Towles,
Hardin,	Paris,	Watkins,
Hart,	Park,	White,
Hawkins,	Perciful,	Wortham—35.
Hazlerigg,	Raymon,	

Those who voted in the negative were—

Mr. Speaker,	Forman,	Reeves,
Messrs. Adams,	Gabbert,	Rudd,
Atkinson,	Gray,	Shanks,
Botts,	Haggard,	Shaw,
Brent,	Hammond,	Shuck,
Bruton,	Harding,	Smith, B.
Buckner,	Harrison,	Smith, H. H.
Bush,	Haydon,	Snyder,
Calhoon,	Hays,	Stockton,
Chenault,	Howard,	Taylor,
Chilton,	Imboden,	Thomasson,
Cofer,	Kirtley,	Thompson,
Colyer,	Latimer,	Triplett,
Combs,	Marshall, C. A.	Trussell,
Craddock,	Marshall, W. C.	Vance,
Crenshaw,	McHenry,	Wakefield,
Cunningham,	Miller,	Watts,
Fletcher,	Morgan,	Williams,
Ford,	Newell,	Woodson—57.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend an act allowing compensation to the Clerks of the Scott County and Circuit Courts for transcribing the burnt records, approved 16th Feb. 1838,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Ways and Means.

Mr. Loving, from the committee for Courts of Justice, to whom was referred a bill to prohibit Counsellors and Attorneys at Law from becoming security in certain cases—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. N. B. Stephens, from the committee on Enrollments, reported that the committee had examined an enrolled bill from the Senate, entitled, an act for the benefit of Shelton Bradley, and for other purposes.

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

Mr. Ford, from the committee on Religion, to whom was referred the petition of John Stivers; the petition of Grandison Catlett, and the petition of A. G. Walker, each praying for a divorce—reported the same with the following resolution, viz:

Resolved, That said petitions be rejected: which was concurred in.

On motion of Mr. Towles—Leave was given to withdraw the petition of A. G. Walker; and the same was withdrawn.

Mr. Vance, from the committee on Ways and Means, to whom was referred the petition of Pleasant Sandidge; and also the petition of Jno. Hunt —reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which was concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of the administrator and heirs of Mordecai Jackson, dec'd.

By same—2. A bill for the benefit of the devisees of James H. Rowe, deceased.

By the committee on Religion—3. A bill to divorce Patience Murray.

By same—4. A bill to divorce Matilda Wood.

By same—5. A bill for the benefit of Susannah Shacklett.

By same—6. A bill to divorce Polly Sword, and for other purposes.

By same—7. A bill for the benefit of Maria Gibbs.

By same—8. A bill for the benefit of Eliza Putman.

By same—9. A bill for the benefit of Mary Finch.

By same—10. A bill for the divorce of Paulina Howard.

By the committee on Ways and Means—11. A bill for the benefit of the Sheriff of Washington county.

By Mr. Reeves—12. A bill to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved Feb. 16, 1838.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th were severally ordered to be engrossed and read a third time; and the 12th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the committee on the Sinking Fund, made the following report, viz:

After the very luminous report made upon this Fund at the last session of the Legislature, your committee deem it unnecessary to show, in detail, its situation from its origin, and will content themselves with its present situation, and its probable or estimated receipts, and its calls for disbursements the present year.

By the Governor's message, it appears that this Fund has received, from all sources, the sum of - - - - - $1,582,626 58
And has paid out - - - - 1,580,042 09

Leaving a balance on hand, of, - - - 2,584 49

The liabilities of this Fund for the present year, may be estimated as follows:

To American Life Insurance and Trust Co. for interest on $1,250,000 6 per cent. State bonds,	$75,000	00
To Prime, Ward & King, on 100,000 5 pr cent. do.	5,000	00
To War Department, on $165,000 5 per cent. do.	8,250	00
To Bank of Kentucky, on $150,000 5 pr cent. do.	7,500	00
To same, on $180,000 6 per cent. do.	10,800	00
To Northern Bank of Kentucky, on $100,000 5 per cent. do. - - - - - -	5,000	00
To same, on $235,000 6 per cent. do. - -	14,100	00
To contractors and other citizens, for interest on $33,000 6 per cent. thirty year bonds, -	1,980	00
To sundry persons for interest on $600,000 6 per cent. six year bonds, - - - - - -	36,000	00
Amount carried forward,	163,630	00

Amount brought forward, -		$163,630 00
To Board of Education, on $850,000 5 per cent. bonds, - - - -	$42,500	
And on $67,500 6 per cent. do. - -	4,050	
		46,550 00
To which may be added, for exchange and other contingencies, - - - - - -		14,820 00
Total liabilities, - - - - -		$225,000 00

The resources for payment, available for the present year, may be estimated as follows:

Bonus on Bank stock, - - - - -	$44,172 50
Dividend on stock in Northern Bank Ky. - -	3,200 00
Excess of dividend in same Bank, on stock over interest on State bonds, given in payment of stock, - - - - - - -	30,000 00
Dividend on stock in Louisville Bank, - -	1,050 00
From Old Bank of Kentucky, - - -	5,000 00
From Commonwealth's Bank, - - -	12,000 00
From turnpike roads, - - - - -	10,000 00
From rivers, tolls and rent for water-power, -	1,000 00
From Penitentiary, interest on loan, - -	1,500 00
Balance on hand, before stated, - - -	2,584 49
Total estimated receipts, - - - -	$110,506 99
Which, deducted from the liabilities, leaves a deficit of -	$114,493 01

This sum will be required, in addition to the estimated resources of the Fund, to meet its known liabilities for the current year. How must this amount be raised? Three modes present themselves for consideration.—1st. A temporary loan; 2d. To compel the Bank of Kentucky to pay the amount of dividends suspended on account of frauds on the Bank, in the issue of spurious stock; and 3dly. Taxation. The first need but be named to be discarded; it would increase, instead of diminishing the burthens of this Fund. Nor can your committee recommend the second mode. As a stockholder, the State must occupy, towards the Bank, the same position as other stockholders. It would be unjust for the State to exact from the Bank what she would not be willing to accord to other stockholders, and it would be unwise to prevent the Bank from strengthening herself to meet this emergency. They entertain the hope that a portion of this debt may be realized in the course of the year; but the credit of the State requires that nothing should be left doubtful or contingent in the resources of this Fund, to so great an extent, as by any possibility to reduce them below the current liabilities of the year; and even to keep the receipts and liabilities equal, will not carry out the intention of the law in establishing this Fund. It must have something by way of surplus, to put out at interest, or vest in stocks, to enable it, in time, to discharge the principal as well as the interest of the State bonds.

It will be seen by the foregoing statement that we must provide for the

payment of six hundred thousand dollars of six per cent. bonds by the end of six years. Will it not be prudent to prepare for it, before the time arrives for their redemption? To redeem them by taxation, in one year, would require a tax of from thirty five to forty cents on each hundred dollars valuation of property, including the ordinary expenses of the State. If these bonds have to be met by taxation, the sooner we commence, the lighter will be the burthen; as none can doubt that it will be more onerous to the people to pay this heavy sum in one year, than to pay it by instalments, in five or six years. Your committee therefore feel it their duty to recommend the passage of the bill reported by another committee, proposing to raise the taxes to fifteen cents on each hundred dollars valuation of property, as a measure necessary, in their opinion, to preserve the faith and credit of the State, and the only one that will do it effectually.

Your committee would also recommend that the Commissioners of the Sinking Fund be authorized (whenever they have a surplus that may be so applied without injury to the Fund,) to purchase in the six year bonds at the market price, at any time before they fall due; and that the Governor be authorized to fund the six year bonds, by exchanging thirty year bonds for them, upon proper terms. To carry out these recommendations they beg leave to report a bill.

JOHN H. McHENRY, *Chairman.*
JAMES F. BUCKNER,
WARRICK MILLER.

We concur in a part of the above recommendations, but not all.

HARVEY G. HAZLERIGG,
JEFFERSON WILLIAMS,
JAMES HAGGARD.

Ordered, That said report lie on the table; and that the Public Printer forthwith print 5000 copies of said report, for the use of the members of this House.

Mr. McHenry, from the same committee, reported a bill to authorize the purchase and funding of the Six Years State Bonds.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with,

Ordered, That said bill be referred to a committee of the whole House, and made the special order of the day for Wednesday next.

Ordered, That the Public Printer forthwith print 150 copies of the said bill, for the use of the members of the General Assembly.

Mr. Vance, from the committee on Ways and Means, to whom was referred the amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Clerk of the Graves County Court—reported the same with an amendment.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House again resolved itself into a committee of the whole—Mr. Vance in the chair—on the bill to establish the Kentucky Institution for the education of the blind; and after some time spent therein, the Speaker resumed the chair; when Mr. Vance reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the House, without amendment; which he handed in at the Clerk's table.

On motion of Mr. Sprigg,

Ordered, That the further consideration of said bill be postponed until Tuesday next.

A message was received from the Senate, asking leave to withdraw their report announcing the passage of a bill from this House, entitled, an act to amend an act, entitled, an act to divide the State into congressional districts; which was granted, and the bill withdrawn.

The amendment proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Commonwealth's Attorney in the 5th Judistrict—was twice read, and concurred in.

The Speaker laid before the House a communication from the Board of Internal Improvement, which is in the following words, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 15, 1841.

The Board of Internal Improvement respectfully inform the House of Representatives, through the honorable Speaker of that House, that on Saturday morning, the owners of the steamboat Argo will be ready to convey the members of the General Assembly from Frankfort to Lock No. 2, on the Kentucky river, and return with them on the same day. The boat will be ready to set off by 8 o'clock in the morning. It would afford the members of the Board great pleasure, if it would be compatible with the engagements of the two houses to avail themselves of the opportunity offered by the public spirited owners of the Argo, to visit the public works.

J. T. MOREHEAD,
SAM'L DAVIESS,
THOMAS METCALFE.

Mr. Calhoon moved the following resolution, viz:

Resolved, That when this House adjourns to-day, it will adjourn to meet on Monday next.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Haggard and Clay, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Graham,	Smith, B.
Messrs. Adams,	Hammond,	Smith, H. H.
Atkinson,	Hart,	Snyder,

Botts,	Hawkins,	Sprigg,
Brent,	Haydon,	Stephens, N. B.
Brien,	Imboden,	Stockton,
Buckner,	Latimer,	Taylor,
Bush,	Marshall, C. A.	Thomas,
Caldwell,	Marshall, W. C.	Thomasson,
Calhoon,	McHenry,	Towles,
Chenault,	Morgan,	Triplett,
Chilton,	Park,	Trussell,
Clay,	Raymon,	Vance,
Colyer,	Reeves,	Wakefield,
Combs,	Riffe,	Waring,
Crenshaw,	Rudd,	Watkins,
Cunningham,	Shaw,	White,
Draffin,	Shuck,	Woodson—55.
Forman,		

Those who voted in the negative were—

Messrs. Bruton,	Hazlerigg,	Mitchell,
Bullock,	Howard,	Nance,
Cofer,	Innes,	Newell,
Curd,	Kirtley,	Paris,
Fletcher,	Lackey,	Rowlett,
Ford,	Lair,	Shanks,
Gabbert,	Loving,	South,
Goble,	Marshall, W. N.	Speed,
Gray,	Mason,	Stevens, J.
Haggard,	Miller,	Williams—31.
Hays,		

And then the House adjourned.

MONDAY, JANUARY 18, 1841.

1. Mr. Draffin presented the petition of sundry citizens of Anderson county, praying a repeal of all laws authorizing the grant of licenses to retail spirituous liquors.

2. Mr. Thompson presented the petition of Robert Knox, executor of Carter Tadlock, deceased, praying the passage of a law authorizing a Court of Chancery to decree a sale of a slave.

3. Mr. Mason presented the petition of sundry citizens of the town of Lancaster, praying the repeal of that part of the act incorporating said town

which authorizes the Trustees of said town to license coffee houses; and an amendment to said act, in relation to the appropriation of fines and forfeitures.

4. Mr. Haggard presented the petition of the heirs of Oliver Wooley, deceased, praying the passage of a law authorizing a sale of a tract of land descended to them from said deceased.

5. Mr. Shuck presented the petition of the Marion County Agricultural Society, praying for an act of incorporation.

6. Also, the petition of sundry citizens of Marion county, praying that the Constable's district including the town of Bradfordsville, in said county, be enlarged.

7. Mr. Latimer presented the petition of sundry citizens of Kenton county, praying to be added to the county of Boone.

8. Mr. Perciful presented the petition of sundry citizens of Meade county, praying a change in the Commissioners appointed by an act of last session to locate a State road from the mouth of Salt river (by way of Grayhampton and Big Spring) to intersect the Bowlinggreen road.

9. Mr. Lackey presented the petition of the Justices of the Pike County Court, praying a change in the time of holding said court.

10. Mr. Forman presented the petition of sundry citizens of Mason county, praying a repeal of all laws authorizing the grant of licenses to retail spirituous liquors.

11. Mr. B. Smith presented the petition of Levi Cooper, praying the passage of a law authorizing the Commissioners of the Lunatic Asylum to release and deliver to him Miram Wilson, a lunatic.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st and 10th to the committee on Religion; the 2d, 4th and 6th to the committee for Courts of Justice; the 3d and 11th to the committee on Ways and Means; the 5th to the committee on Agriculture and Manufactures; the 7th to the committee on Propositions and Grievances; the 8th to the committee on Internal Improvement; and the 9th to Messrs. Lackey, Wortham and Graham.

Mr. James R. Skiles, a member returned to serve in this House from the county of Warren, appeared and took his seat.

Mr. Hazlerigg asked leave to withdraw the petition of America Oakley; which was granted, and the petition withdrawn.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Cassius M. Clay.

An act to change the place of voting at an election precinct in Hopkins county.

An act for the benefit of George H. Clements, and others.

An act to establish an election precinct in Perry county, and for other purposes.

An act for the benefit of the Louisville Pilots' Benevolent Society.

An act to divorce Nancy Shelton.

An act for the benefit of George W. Clark.

An act to divorce Thomas A. Palmer.

An act for the divorce of Harrison Turner.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

On motion of Mr. Calhoon,

Ordered, That the further consideration of the bill for the relief of mechanics and others, be postponed until to-morrow morning.

Ordered, That the amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Clerk of the Graves County Court be postponed for the present.

Mr. Bullock, from the committee on Internal Improvement, to whom was referred the petition of Bryan Y. Cundiff and Joseph Reynolds; the petition of Claudius Duvall; and the petition of Frances B. Moore—reported the same with the following resolution, viz:

Resolved, That said petitions be rejected: which was concurred in.

The Speaker laid before the House a communication from the Secretary of State, which is as follows, viz:

OFFICE OF THE SECRETARY OF STATE,
January 18th, 1841.

SIR:

I have the honor to transmit to the House of Representatives, through you, a statement showing the resources and liabilities of the Mechanics' Savings Institution of Louisville, for the year 1840; also, an additional statement from the Louisville Savings Institution, received by the last mail from that city.

I have the honor to be,
Very respectfully, your obedient servant,
JAMES HARLAN,
Secretary of State.

To C. S. MOREHEAD, Esq.,
Speaker of the House of Representatives.

Ordered, That said communication and accompanying documents be referred to the committee on Banks.

Mr. Bullock, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act to amend the charter of the Frankfort Bridge Company—reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Bullock, from the same committee, to whom was referred a bill authorizing the building of a bridge on Mayfield's creek—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing the passage of bills from that House, of the following titles, viz:

An act for the divorce of Albert G. Young, and Catharine N. Young, his wife.

An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray.

Mr. Forman moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be instructed to report to this House, as near as they can ascertain, the exact amount now owing by the State to contractors, for work and labor already done upon the public works; and also, the probable amount which will be due from the State to contractors during the present year, for work yet to be performed under absolute contracts heretofore made.

Which being twice read, was adopted.

On motion of Mr. Forman,

Ordered, That the bill to increase the revenue, and for other purposes, be referred to a committee of the whole, and made the special order of the day for Monday, the 25th instant.

Mr. Sprigg then laid on the table, amendments to said bill.

Ordered, That said amendments be also referred to a committee of the whole for Monday next; and that the Public Printer forthwith print 150 copies of said amendments for the use of the members of the General Assembly.

Mr. Haggard moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to enquire into the propriety of reporting a bill allowing the Surveyor of this Commonwealth a copy of the acts of the General Assembly, to be distributed and delivered as the other acts are to the officers of this Commonwealth for the time being.

Whih being twice read, was adopted.

Mr. Riffe moved the following resolution, viz:

WHEREAS, many persons in this Commonwealth have been committed to further trial by examining courts, charged with high crimes, and have es-

caped by giving insufficient security for their appearance before the proper court: Therefore,

Resolved, That a select committee be appointed to enquire into the expediency of so amending the law as to secure the appearance of persons charged with high crimes, before the tribunals of the country having jurisdiction thereof.

Which being twice read, was adopted.

Whereupon Messrs. Riffe, Speed, Shuck and Loving were appointed a committee in pursuance of said resolution.

Mr. Bush moved the following resolution, viz:

Resolved, That the use of this Hall be granted to the Rev. M. Spalding, on this evening, after 7 o'clock, P. M.

Which being twice read, was adopted.

Mr. Morgan moved the following resolution, viz:

Resolved, That the Board of Internal Improvement report to this House the amount due the Banks for money borrowed, and when due; and the amount due contractors for work done; the amount necessary to complete works under contract and in progress, both on roads and rivers, which cannot be suspended without damage to the contractors, and for which the State would be responsible, and such other injury as would occur to the public interest by suspension—detailing the particular works in question.

Which being twice read, was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1, 1836.

By same—2. A bill further to regulate the Shelby and Franklin Turnpike Road Companies.

By same—3. A bill further to amend an act, entitled, an act to amend the law which provides for condemning lands and materials for works of internal improvement, approved 23d Feb. 1837.

By same—4. A bill to repeal an act authorizing the erection of a toll gate within less than one mile of the courthouse in Stanford.

By same—5. A bill to authorize Jesse Murphy to build a fish dam on Pond river.

By the committee on Education—6. A bill for the benefit of the N. York Historical Society.

By the committee on Military Affairs—7. A bill for the benefit of S. H. Chew, Jr. and others.

By the committee for Courts of Justice—8. A bill authorizing Leavin Lawrence to sell a slave.

By Mr. Draffin—9. A bill for the benefit of the heirs of Matthew Galt.

By Mr. Hazlerigg—10. A bill to regulate the power of the Trustees of the town of Sharpsburg.

By Mr. Latimer—11. A bill for the benefit of the Clerk of the Boone County Court.

By Mr. Clay—12. A bill against usury.

By Mr. Lackey—13. A bill to change the time of holding the Pike County Court.

By Mr. N. B. Stephens—14. A bill to appoint Trustees for the Grant Seminary.

By Mr. Cofer—15. A bill allowing an additional Constable to the counties of Hardin, Knox and Harlan.

By Mr. Hays—16. A bill to amend and continue in force an act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved December 11, 1839.

By same—17. A bill to enlarge the first Constable's district in Hardin county.

By same—18. A bill to change the place of voting in election precincts in Hardin and Barren counties.

By Mr. Craddock—19. A bill for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes.

By Mr. Watts—20. A bill for the benefit of the mechanics of the town of Smithland.

By Mr. Shanks—21. A bill to amend and revive the law in relation to the election of Trustees for the town of Stanford, Lincoln county.

By Mr. Bruton—22. A bill for the benefit of the Sheriff of Montgomery county.

By Mr. Perciful—23. A bill for the benefit of Wm. Simmons, committee.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, 4th, 6th, 7th, 8th, 9th, 10th, 11th, 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, 22d and 23d were severally ordered to be engrossed and read a third time; the 2d was referred to a committee of the whole House, and made the special order for Thursday next; the 12th was referred to a committee of the whole House, and made the special order for Friday next; and the 19th was referred to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 3d, 4th, 6th, 7th, 8th, 9th, 10th, 11th, 13th, 14th, 15th, 16th, 17th, 18th, 20th, 21st, 22d and 23d bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 2d and 12th bills for the use of the members of the General Assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill to consolidate and to regulate the lottery grants of this Commonwealth, and bring them to a speedy termination.

On the motion of same—2. A bill to explain the act passed at the present session in relation to South Frankfort.

On the motion of Mr. Crenshaw—3. A bill providing for the punishment of slaves for breaches of the peace, and for other purposes.

On the motion of same—4. A bill for the benefit of the Christian Church, at Glasgow, and for other purposes.

On the motion of Mr. Wm. C. Marshall—5. A bill for the benefit of the Clerk of the Pendleton Circuit Court.

On the motion of Mr. Hawkins—6. A bill to incorporate a Library Company in the town of Carrollton.

On the motion of Mr. Brien—7. A bill for the benefit of Niol Noisworthy.

On the motion of Mr. Thomas—8. A bill to change the time of holding the Campbell County Court.

On the motion of Mr. Waring—9. A bill for the benefit of David Trimble, John Trimble and John T. Woodrow.

On the motion of Mr. Craddock—10. A bill to amend the law in relation to idiots and lunatics.

On the motion of Mr. Chilton—11. A bill allowing N. L. Oliver, Sheriff of Henry county, further time to return his delinquent list.

On the motion of same—12. A bill for the benefit of the heirs of Wm. Taylor, deceased.

On the motion of Mr. Vance—13. A bill further to regulate the trial of appeal cases in the Jefferson County Court.

On the motion of Mr. Bullock—14. A bill for the benefit of the Second Presbyterian Church of the city of Louisville.

On the motion of Mr. Goble—15. A bill for the benefit of the Sheriff of Carter county.

On the motion of Mr. Trussell—16. A bill for the benefit of the present and late Sheriffs of Lewis county.

On the motion of Mr. Forman—17. A bill to prevent free negroes of this Commonwealth from dealing in spirits of any kind.

On the motion of same—18. A bill more effectually to suppress litigation.

On the motion of Mr. South—19. A bill for the benefit of those counties that have not been furnished with the Decisions of the Court of Appeals.

On the motion of Mr. Perciful—20. A bill for the benefit of the Sheriff of Meade county.

On the motion of Mr. Shuck—21. A bill for the benefit of Justice Hays' devisees.

Ordered, That Messrs. Draffin, Fletcher and Paris prepare and bring in the 1st; Messrs. Draffin, McHenry and White the 2d; the committee for Courts of Justice the 3d, 7th, 17th and 18th; Messrs. Crenshaw, A. Harding and Stockton the 4th; Messrs. W. C. Marshall, C. A. Marshall and Hart the 5th; the committee on Education the 6th; Messrs. Thomas, Goble and Bullock the 8th; the committee on Internal Improvement the 9th; Messrs. Craddock, Hazlerigg, Reeves and Brent the 10th; the committee on Ways and Means the 11th and 20th; Messrs. Chilton, Taylor and Curle the 12th; Messrs. Vance, Bullock, Miller and Rudd the 13th; Messrs. Bullock, Rudd and Miller the 14th; Messrs. Goble, Thomas and Hart the 15th; Messrs. Trussell, Forman and C. A. Marshall the 16th; Messrs. South, Johnson, Riffe and Loving the 19th; and Messrs. Shuck, Loving and Riffe the 21st.

Mr. Adams moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of so amending the second section of the act approved Feb. 1, 1839, to enforce the payment of State dividends declared by certain incorporated companies, as to specify the court to have jurisdiction of motions and suits in such cases.

Which being twice read, was adopted.

Mr. Goble, from the select committee appointed on the memorial of Horatio Catlett, made the following report, viz:

The select committee to whom was referred the memorial of Horatio Catlett, respecting the receipts and disbursements of the public moneys of the State for the use of the Owingsville and Big Sandy Turnpike Road Company, after hearing all the testimony that we could procure upon the subject, we find, that the President of said road, Major James Suddith, has received from the State $150,000 00; from the County Court of Bath county $1,692 00; and for tolls on said road up to 1st July, 1840, $2,046 10—making in all, $153,738 10: and that he (Major Suddith) has paid the whole amount of said money to S. C. Bascom, Treasurer. And we further find, that Mr. Bascom has received from the Bath County Court and individuals, $14,779 25; and from the State, by Major Suddith, $150,000 00; and as tolls on said road, $3,219 42½—making in all, $167,998 67½: and of this amount, we find that Mr. Bascom has paid out, for the use of said road, $167,928 85½, leaving a balance in his hands of only $70 02½. The committee would further remark, that Mr. Suddith and Mr. Bascom both appeared before the committee, and acknowledged the receipt of the above moneys, and expressed an entire willingness to have the matter fully investigated. Nor do we, from all the evidence that we have had before us, find any grounds to raise any presumption of fraud, so far as those two gentlemen are concerned. The committee would, however, observe, that it was not in their power, nor did they consider themselves instructed by the memorial and order of reference, to investigate the financial concerns of the company, nor of any officer thereof, except those above alluded to: and would further remark, that Major Suddith has for some time past been out of the office of President of the Board of Directory of the road above alluded to.

All of which they respectfully report.

Mr. Goble read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 6th day of February next, they will adjourn without day.

A bill from the Senate, entitled, an act to change the time of holding the County Courts of Monroe,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Paris and Howard, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Hammond,	Rowlett,
Atkinson,	Harrison,	Rudd,
Brent,	Hart,	Shanks,
Brien,	Hawkins,	Shaw,
Bruton,	Haydon,	Shuck,
Bullock,	Hays,	Skiles,
Bush,	Hazlerigg,	Smith, B.
Caldwell,	Howard,	Smith, H. H.
Calhoon,	Imboden,	Snyder,
Chenault,	Innis,	South,
Chilton,	Johnson,	Speed,
Clay,	Kirtley,	Sprigg,
Cofer,	Lair,	Stephens, N. B.
Colyer,	Latimer,	Stevens, J.
Combs,	Loving,	Taylor,
Craddock,	Marshall, C. A.	Thomas,
Cunningham,	Marshall, W. C.	Thomasson,
Curd,	Marshall, W. N.	Towles,
Davidson,	Mason,	Triplett,
Draffin,	Mitchell,	Trussell,
Fletcher,	Morgan,	Vance,
Ford,	Nance,	Waring,
Forman,	Newell,	Watkins,
Gabbert,	Park,	Watts,
Goble,	Perciful,	White,
Graham,	Raymon,	Williams,
Gray,	Reeves,	Woodson,
Haggard,	Riffe,	Wortham—84.

Those who voted in the negative were—

Messrs. Crenshaw,	Paris,	Stockton—3.

Mr. Fletcher moved the following resolution, viz:

Resolved, That in the present embarrassed condition of the finances of this Commonwealth, it is inexpedient to continue the several Engineers in the employment of the State, and the present Board of Internal Improvement; and that the committee on Internal Improvement be, and they are hereby, instructed to report a bill repealing all laws which authorizes the establishment of a Board of Internal Improvement in this State; and to discontinue the further services of the several Engineers now under the pay of this State; and that the public works be placed under the control and management of the Governor, who may appoint one general Superintendent and one Engineer upon the public works now in progress.

And then the House adjourned.

TUESDAY, JANUARY 19, 1841.

A message was received from the Senate, announcing that they had received official information from the Governor that he had approved and signed an enrolled bill which originated therein, entitled,

An act for the benefit of Shelton Bradley, and for other purposes.

Approved January 15, 1841.

That they had concurred in the amendment proposed by this House to a bill from that, entitled, an act to regulate the fees of the Marshal of the Louisville Chancery Court.

That they had passed bills from this House, of the following titles, viz:

An act for the divorce of Samuel J. Cabell and Louisa Cabell.

An act for the divorce of John Pence.

An act for the divorce of Madisonia Quinn.

An act for the benefit of Elizabeth Adams.

An act for the divorce of Pendleton H. Harrod.

An act for the benefit of the town of Newport.

And that they had passed bills of the following titles, viz:

An act to change the mode of paying the Commissioners of Common Schools in Wayne county.

An act for the benefit of the Morgan and Laurel County Courts.

An act for the benefit of Thomas Holmes.

An act for the benefit of the Kentucky Baptist Education Society.

The House took up for consideration the resolution proposed by Mr. Fletcher on yesterday.

Mr. Fletcher then modified his resolution to read as follows, viz:

Resolved, That a committee be appointed to examine into the expediency

of dispensing with the Board of Internal Improvement and Engineer corps now in the exclusive employment of the State; and that they report by bill or otherwise.

Mr. Shuck then moved the following as a substitute for the resolution of Mr. Fletcher, as modified, viz:

Resolved, That a select committee of seven be appointed to enquire into the expediency of repealing all laws which provide for the existence and pay of the present Board of Internal Improvement and the existing corps of Engineers; and also to enquire into the expediency of suspending certain public works of internal improvement.

Mr. C. A. Marshall then moved to lay said resolution and substitute on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Rowlett and Shuck, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Forman,	Rudd,
Messrs. Adams,	Marshall, C. A.	Speed,
Brent,	Marshall, W. C.	Thomas,
Chilton,	Mason,	Trussell,
Clay,	Morgan,	Vance,
Colyer,	Park,	White—20.
Davidson,	Raymon,	

Those who voted in the negative were—

Messrs. Atkinson,	Hardin,	Riffe,
Brien,	Harrison,	Rowlett,
Bruton,	Hart,	Shanks,
Buckner,	Hawkins,	Shaw,
Bullock,	Haydon,	Shuck,
Bush,	Hays,	Skiles,
Caldwell,	Hazlerigg,	Smith, B.
Calhoon,	Howard,	Smith, H. H.
Chenault,	Imboden,	South,
Cofer,	Innes,	Sprigg,
Combs,	Johnson,	Stephens, N. B.
Craddock,	Kirtley,	Stevens, J.
Crenshaw,	Lackey,	Stockton,
Cunningham,	Lair,	Taylor,
Curd,	Latimer,	Thomasson,
Draffin,	Loving,	Thompson,
Fletcher,	Marshall, W. N.	Towles,
Ford,	McHenry,	Triplett,
Gabbert,	Miller,	Wakefield,
Goble,	Mitchell,	Waring,

Graham,	Nance,	Watkins,
Gray,	Newell,	Watts,
Haggard,	Paris,	Williams,
Hammond,	Perciful,	Woodson,
Harding,	Reeves,	Wortham—75.

Mr. Hazlerigg then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the resolution be adopted? and it was decided in the affirmative.

The yeas and nays being required on the adoption thereof, by Messrs. Rowlett and Draffin, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Harrison,	Rowlett,
Messrs. Atkinson,	Hart,	Rudd,
Brien,	Hawkins,	Shanks,
Bruton,	Haydon,	Shaw,
Buckner,	Hays,	Shuck,
Bullock,	Hazlerigg,	Skiles,
Bush,	Howard,	Smith, B.
Caldwell,	Imboden,	Smith, H. H.
Calhoon,	Innes,	Snyder,
Chenault,	Johnson,	South,
Chilton,	Kirtley,	Speed,
Clay,	Lackey,	Sprigg,
Cofer,	Lair,	Stephens, N. B.
Colyer,	Latimer,	Stevens, J.
Combs,	Loving,	Stockton,
Craddock,	Marshall, C. A.	Taylor,
Crenshaw,	Marshall, W. C.	Thomas,
Cunningham,	Marshall, W. N.	Thomasson,
Curd,	Mason,	Thompson,
Davidson,	McHenry,	Triplett,
Draffin,	Miller,	Trussell,
Fletcher,	Mitchell,	Vance,
Ford,	Nance,	Wakefield,
Gabbert,	Newell,	Waring,
Goble,	Paris,	Watkins,
Graham,	Park,	Watts,
Gray,	Perciful,	White,
Haggard,	Raymon,	Williams,
Hammond,	Reeves,	Woodson,
Harding,	Riffe,	Wortham—91.
Hardin,		

Those who voted in the negative were—

Messrs. Adams,	Forman,	Morgan—4.
Brent,		

Whereupon Messrs. Fletcher, Calhoon, Johnson, Paris, Curd and Shuck were appointed a committee, in pursuance of said resolution.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act to change the place of voting at an election precinct in Hopkins county.

An act for the benefit of Cassius M. Clay.

An act to establish an election precinct in Perry county, and for other purposes.

An act for the benefit of George H. Clements, and others.

An act for the benefit of the Louisville Pilots' Benevolent Society.

An act to divorce Nancy Shelton.

An act for the benefit of George W. Clark.

An act to divorce Thomas A. Palmer.

An act for the divorce of Harrison Turner.

Approved January 18, 1841.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill to establish the office of Sergeant of the General Court.

By Mr. Speed—2. A bill to amend an act, entitled, an act to amend an act directing the duty of Surveyors of land.

By Mr. Colyer—3. A bill for the benefit of John Mershon.

By Mr. Lair—4. A bill for the benefit of William Wilborn, of the county of Russell.

By Mr. Sprigg—5. A bill for the adjustment of certain claims of Lud Fore against the Commonwealth of Kentucky.

By Mr. Johnson—6. A bill for the benefit of emigrants, and others.

By Mr. Mitchell—7. A bill to change the place of voting from Greenville C. Alford's, in Washington county, to Leonard Seays, Jr.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th and 7th were severally ordered to be engrossed and read a third time; the 5th was referred to the committee on Claims; and the 6th was referred to the committee of the whole House, and made the special order of the day for Thursday next.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th and 7th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 6th bill, for the use of the members of the General Assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Gabbert—1. A bill to allow an additional Justice of the Peace to Mercer county.

On the motion of Mr. Raymon—2. A bill for the relief of the Sheriff of Nicholas county.

On the motion of Mr. J. P. Hardin—3. A bill to amend the charter of the Bardstown and Springfield Turnpike Road Company.

On the motion of Mr. McHenry—4. A bill to amend and explain the laws in relation to compelling turnpike road companies to pay the State dividends.

On the motion of Mr. Rowlett—5. A bill to allow an additional Justice of the Peace to Owen county.

On the motion of Mr. Hammond—6. A bill to incorporate a manufacturing company in the county of Simpson.

On the motion of same—7. A bill to change the time of holding the Simpson County Court.

On the motion of same—8. A bill to reduce the number of the Trustees of the Simpson County Seminary.

On the motion of same—9. A bill for the benefit of Frances B. Moore.

On the motion of Mr. Reeves—10. A bill to amend an act, entitled, an act to amend the charter of the city of Covington, approved Jan. 4, 1841.

On the motion of Mr. Snyder—11. A bill authorizing the present Clerk of the Whitley County Court to record certain deeds in his office at his appointment.

On the motion of same—12. A bill for the benefit of John and Daniel Cain, of Whitley county.

Ordered, That Messrs. Gabbert, Thompson, Shuck and Shanks prepare and bring in the 1st; Messrs. Raymon, Speed and Innes the 2d; the committee on Internal Improvement the 3d and 12th; Messrs. McHenry, J. P. Hardin, Towles and Draffin the 4th; Messrs. Rowlett, A. Harding and Crenshaw the 5th; Messrs. Hammond, Davidson and Atkinson the 6th and 7th; the committee on Education the 8th; Messrs. Hammond, Loving and Davidson the 9th; and the committee for Courts of Justice the 10th and 11th.

Mr. Hammond, from the committee who were appointed to prepare and bring in the same, reported a bill for the benefit of John B. Booker—which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative; and so the said bill was rejected.

On motion of Mr. Loving,

Ordered, That Mr. Skiles be added to the committee on Internal Improvement.

Mr. Skiles moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be instructed to enquire into the expediency of inflicting sufficient penalties to prevent serious injury to turnpike roads from certain practices, by which the drains and culberts are filled up or obstructed, and the broken stone disturbed and prevented from becoming compact; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Paris moved the following resolution, viz:

Resolved by the House of Representatives, That the President of the Glasgow and Scottsville Turnpike Road Company, or the Treasurer of said company, or either of them, whose duty it shall be, report to this House, as soon as practicable, the following facts, to-wit:

1st. Who are contractors on that part of the road from Glasgow to State line, and what is the amount of each contract?

2d. What amount of labor has been performed by each contractor, and what amount of money has been paid to each?

3d. What amount is yet due each contractor?

4th. Has more been paid to one contractor than another, in proportion to his claim or estimate? if so, give the cause or reason for such payments.

5th. Has any of the contractors proposed to take State bonds whilst the company had any of said bonds on hand, and the same was not paid? if so, from what cause was said payment withheld?

6th. Who was the President in 1840? what compensation was allowed him, and what were his services? Who are proper persons to make allowances to the President and managers? Who was Treasurer, and what was his allowance?

7th. Who is the proper disbursing officer? the President or Treasurer?

8th. Has the President or Treasurer been in the habit of buying the claims of contractors against said company at a discount? and if so, at what rate of discount?

9th. Has any contractor proposed to take individual stock, notes or accounts, in payment of dues? if so, why have they been withheld? and also to state the date as well as the amount of such contractor's estimate, the date and amount of payments to the same.

Which being twice read, was adopted.

Ordered, That the bill to establish the Kentucky Institution for the education of the blind, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Mr. Hays moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

The yeas and nays being required thereon, by Messrs. Lair and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Brent,
Brien,
Bruton,
Buckner,
Bullock,
Bush,
Calhoon,
Chenault,
Chilton,
Clay,
Cofer,
Colyer,
Combs,
Cunningham,
Curd,
Draffin,
Fletcher,
Ford,
Forman,
Gabbert,
Gray,
Hammond,
Hardin,
Hawkins,
Hays,
Innes,
Johnson,
Loving,
Marshall, C. A.
Marshall, W. C.
Mason,
McHenry,
Miller,
Mitchell,
Park,
Raymon,
Reeves,
Rudd,
Shanks,
Shaw,
Shuck,
Skiles,
Speed,
Sprigg,
Stevens, J.
Taylor,
Thomas,
Thomasson,
Thompson,
Towles,
Triplett,
Trussell,
Vance,
Waring,
Watts,
White,
Woodson,
Wortham—60.

Those who voted in the negative were—

Messrs. Atkinson,
Caldwell,
Craddock,
Crenshaw,
Davidson,
Goble,
Graham,
Haggard,
Harding,
Harrison,
Haydon,
Hazlerigg,
Howard,
Imboden,
Kirtley,
Lackey,
Lair,
Latimer,
Marshall, W. N.
Morgan,
Nance,
Newell,
Paris,
Perciful,
Riffe,
Rowlett,
Smith, B.
Smith, H. H.
Snyder,
Stephens, N. B.
Stockton,
Wakefield,
Watkins,
Williams—34.

And then the House adjourned.

WEDNESDAY, JANUARY 20, 1841.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled,

An act regulating the powers of the Trustees of the town of Sharpsburg.

That they had passed bills of the following titles, viz:

An act for the benefit of Wm. Simpson and George F. Hatcher.

An act for the benefit of the Estill Seminary.

An act to add a part of the county of Perry to the county of Harlan.

And that they had adopted a preamble and resolutions relative to the inspection of tobacco.

1. Mr. Vance presented the petition of Patrick H. Pope, Edmund P. Pope, Hamilton Pope, and the heirs of Jacob Geiger, deceased, praying that the Register of the Land Office issue to them a patent for a tract of land in Jefferson, entered in the year 1805.

2. Mr. Speed presented the memorial of the State Agricultural Society, praying an appropriation of money in aid of the objects of the society.

3. Mr. Mitchell presented the petition of sundry citizens of Washington county, praying that a county tax may be imposed on pedlars.

4. Mr. Davidson presented the petition of Richard H. Cook, praying the passage of a law permitting him to bring into this State a negro woman slave, and her child.

5. Mr. Clay presented the petition of Eliza Drysdell, praying to be divorced from her husband, Reuben Drysdell.

6. Mr. Curle presented the petition of Betsey Bacchus, praying to be divorced from her husband, Lucius Bacchus.

7. Mr. Paris presented the petition of George W. Mansfield, praying the passage of a law authorizing a patent to issue in his name for a certain tract of land.

8. Mr. Wortham presented the petition of Henry N. Coulter, praying the passage of a law authorizing a change of a State road which passes through his land.

9. Mr. Rowlett presented the petition of sundry citizens of Owen county, praying the passage of a law allowing an additional Justice of the Peace to said county.

10. Mr. Kirtley presented the petition of Sylvanus Johnson, praying the passage of a law permitting him to bring into this State certain slaves.

Which petitions and memorial were received, the reading thereof dispensed with, and referred: the 1st, 3d, 4th and 10th to the committee for

Courts of Justice; the 2d to the committee on Agriculture and Manufactures; the 5th and 6th to the committee on Religion; the 7th to Messrs. Paris, Loving and Lackey; the 8th to the committee on Internal Improvement; and the 9th to Messrs. Rowlett, A. Harding and Crenshaw.

The House took up for consideration the preamble and resolutions from the Senate relative to the inspection of tobacco.

The said preamble and resolutions were then twice read, and concurred in.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the town of Newport.

An act for the divorce of Pendleton H. Harrod.

An act for the benefit of Elizabeth Adams.

An act for the benefit of married women whose husbands have abandoned them.

An act to divorce Elizabeth Fox, and to change her name.

An act for the divorce of Madisonia Quinn.

An act for the divorce of John Pence.

An act for the benefit of the Commonwealth's Attorney of the Fifth Judicial district.

An act for the divorce of Samuel J. Cabell and Louisa Cabell.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act to change the time of holding the Circuit Courts in the Sixteenth Judicial district.

An act to amend the charter of the Frankfort Bridge Company.

An act to regulate the fees of the Marshal of the Louisville Chancery Court.

An act to change the time of holding the County Courts of Monroe.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

The House again resumed the consideration of the bill for the relief of mechanics and others.

The question was then taken on ordering said bill to be engrossed and read a third time, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Clay and Paris, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gray,	Park,
Messrs. Adams,	Haggard,	Perciful,
Atkinson,	Harding,	Raymon,

Brien,	Hardin,	Reeves,
Bruton,	Harrison,	Rudd,
Buckner,	Hart,	Shanks,
Bullock,	Hawkins,	Skiles,
Bush,	Hays,	Smith, H. H.
Chenault,	Hazlerigg,	South,
Chilton,	Imboden,	Speed,
Clay,	Innes,	Stockton,
Cofer,	Johnson,	Thomas,
Combs,	Kirtley,	Thomasson,
Craddock,	Lackey,	Thompson,
Cunningham,	Latimer,	Triplett,
Curd,	Loving,	Trussell,
Curle,	Marshall, C. A.	Vance,
Davidson,	Marshall, W. C.	Wakefield,
Draffin,	Marshall, W. N.	Watkins,
Fletcher,	Mason,	Watts,
Ford,	Miller,	White,
Forman,	Mitchell,	Williams,
Gabbert,	Morgan,	Woodson,
Goble,	Nance,	Wortham—74.
Graham,	Paris,	

Those who voted in the negative were—

Messrs. Caldwell,	McHenry,	Snyder,
Calhoon,	Newell,	Sprigg,
Colyer,	Riffe,	Stevens, J.
Crenshaw,	Rowlett,	Taylor,
Haydon,	Shaw,	Towles,
Howard,	Shuck,	Waring—20.
Lair,	Smith, B.	

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows:

An act to repeal the 2d and 3d Edward 6th, chap. 15, entitled, the bill of conspiracies, victuallers and craftsmen, and for other purposes.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred the petition of A. Wiseman, Jr. and Jacob Wiseman—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Loving, from the same committee, to whom was referred the petition of Frances Howard—reported the same with the following resolution, viz:

Resolved, That said petition be rejected; which was concurred in.

Mr. Shuck, from the same committee, to whom was referred leave to bring

in a bill for the benefit of the widow of Larkin Durrett—asked leave to be discharged from the further consideration thereof: which was granted.

Mr. Caldwell, from the same committee, to whom was referred the petition of the administrator and heirs of Stith Sanders, deceased—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Crenshaw, from the same committee, to whom was referred the petition of Allen P. Pool—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. A. Harding, from the same committee, to whom was referred the petition of Daniel Boody—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of Jas. Pagett.

By same—2. A bill to amend proceedings in suits of chancery.

By same—3. A bill concerning the town of Mountsterling.

By same—4. A bill for the benefit of the administrator and heirs of John W. Lowry, deceased.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d and 4th were severally ordered to be engrossed and read a third time; and the 2d was referred to a committee of the whole, and made the special order of the day for the 27th inst.

The rule of the House, constitutional provision and third reading of the 1st, 3d and 4th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. A. Harding, from the committee for Courts of Justice, to whom was referred a bill to establish a new Judicial district, and for other purposes—reported the same without amendment.

Mr. Caldwell moved an amendment to said bill.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Ordered, That the bill to authorize the purchase and funding of the Six Years State Bonds, be postponed to, and made the special order of the day for Saturday next.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act to incorporate the Green River Iron Manufacturing Company—with amendments.

Ordered, That the bill from the Senate, entitled, an act to amend the several acts for the benefit of Religious Societies in this Commonwealth, and the amendments proposed thereto by the committee for Courts of Justice, be re-committed to the committee for Courts of Justice.

A bill from the Senate, entitled, an act concerning the record books of the County and Circuit Courts of Madison—was read a third time, as amended.

Resolved, That said bill do pass, and that the title thereof be amended to read as follows:

An act concerning the record books of the County and Circuit Courts and Surveyors of this Commonwealth.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act concerning the town of Carrollton.

An act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.

An act to alter the time of holding the Estill County Court.

An act to establish the road leading from Hopkinsville to Clarksville, Tennessee, as a State road.

An act to establish a State road from Henderson (through Madisonville) to Hopkinsville.

An act to incorporate the Elizabethtown Fire Company.

An act to incorporate the Green River Iron Manufacturing Company.

Were twice read, and concurred in.

The amendments proposed by the Senate to a bill from this House, entitled, an act to amend the several laws of this Commonwealth, relative to the duties of the Clerks of Courts—were twice read, and disagreed to.

Bills from the Senate, of the following titles, viz:

1. An act to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved February 5, 1840.

2. An act allowing the Clerk of the Campbell County Court further time to renew his official bond.

3. An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

4. An act for the benefit of John S. Fisher.

5. An act for the benefit of the Kentucky Historical Society.

6. An act to change the time of holding the courts in the third Judicial district of Kentucky, and for other purposes.

7. An act to amend the law of last session relating to lunatics and idiots.

8. An act to establish the Lexington Cemetery.

9. An act to change the time of holding the fall term of the Court of Appeals.

10. An act to change the time of holding the Knox County Court, and for other purposes.

11. An act to authorize James Quiett to qualify as High Sheriff of Nicholas county, and for other purposes.

12. An act to amend the law concerning the town of Hardinsburg, and for other purposes.

13. An act to incorporate the Grand Lodge of Kentucky.

14. An act to allow an additional Constable to Breckinridge county.

15. An act for the benefit of Robert Pace and Levi Pennington.

16. An act to amend and reduce into one the several acts concerning the fire company in the town of Shelbyville.

17. An act to change the boundary of Georgetown, Scott county.

18. An act abolishing the election precincts in Pulaski county.

19. An act to amend an act, entitled, an act incorporating the Frankfort, Georgetown and Paris Turnpike Road Company, approved Feb. 28, 1835.

20. An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell county.

21. An act for the benefit of Shelby College, and the Theological Seminary of the Protestant Episcopal Church in Kentucky.

22. An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray.

23. An act for the divorce of Albert G. Young and Catharine N. Young, his wife.

24. An act for the benefit of the Morgan and Laurel County Courts.

25. An act for the benefit of Thomas Holmes.

26. An act for the benefit of the Kentucky Baptist Education Society.

27. An act to change the mode of paying the Commissioners of Common Schools in Wayne county.

28. An act to add a part of the county of Perry to the county of Harlan.

29. An act for the benefit of the Estill Seminary.

30. An act for the benefit of Wm. Simpson and George F. Hatcher.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 23d were referred to the committee on Religion; the 2d, 5th, 14th, 17th, 18th, 19th, 21st, 25th and 30th were severally ordered to be read a third time; the 4th and 15th were referred to the committee on Claims; the 3d, 6th, 8th, 9th, 10th, 11th, 12th, 13th, 16th and 24th to the committee for Courts of Justice; the 7th, 20th and 22d to the committee on Ways and Means; the 26th, 27th and 29th to the committee on Education; and the 28th to the committee on Propositions and Grievances.

The rule of the House, constitutional provision and third reading of the 2d, 5th, 14th, 17th, 18th, 19th, 21st, 25th and 30th bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Calhoon,

Ordered, That the preamble and resolutions from the Senate in favor of a National Bank, be laid on the table.

A resolution from the Senate fixing a day for the election of Public Officers, was taken up, twice read, and concurred in.

A bill from the Senate, entitled, an act to change the time of the annual meeting of the General Assembly,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with,

Mr. Haggard then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be read a third time? and it was decided in the affirmative.

A message was received from the Governor, by Mr. Harlan, Secretary of State, enclosing the annual report of the Commissioners of the Sinking Fund, which is as follows, viz:

EXECUTIVE OFFICE,
January 20, 1841.

Gentlemen of the Senate and of the House of Representatives:

I transmit, herewith, the annual report of the Commissioners of the Sinking Fund.

R. P. LETCHER, *Chairman.*

[*For this report, see Legislative Documents—page* 383.]

Ordered, That said report be referred to the committee on the Sinking Fund; and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

An engrossed bill, entitled, an act to amend the penal laws of this Commonwealth—was read a third time.

Mr. Lackey moved to amend said bill, by adding thereto an engrossed clause, by way of ryder.

And then the House adjourned.

THURSDAY, JANUARY 21, 1841.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled,

An act to enlarge the first Constable's district in Hardin county.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of Joseph L., Wm A., and David H. M. Phillips.

An act to emancipate Eliza and her children, and for other purposes.

An act to provide for a change of venue in the prosecution against Sam'l G. Lowe.

An act for the benefit of the administrator and heirs of Mordecai Jackson, deceased.

An act for the benefit of the heirs of Matthew Galt.

An act to change the time of holding the Pike County Court.

An act for the benefit of the devisees of James H. Rowe, dec'd.

An act allowing an additional Constable to the counties of Hardin, Knox and Harlan.

With amendments to the two last named bills.

Mr. Haydon presented the petition of Mary Isbell, and sundry citizens of Wayne county, praying that said Mary may be divorced from her husband, Thomas Isbell.

Which was received, the reading thereof dispensed with, and referred to the committee on Religion.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of the Commonwealth's Attorney in the fifth Judicial district.

An act to divorce Elizabeth Fox, and to change her name.

An act for the benefit of married women whose husbands have abandoned them.

An act for the divorce of John Pence.

An act for the divorce of Samuel J. Cabell and Louisa Cabell.

An act for the benefit of the town of Newport.

An act for the divorce of Pendleton H. Harrod.

An act for the benefit of Elizabeth Adams.

An act for the divorce of Madisonia Quinn.

Approved January 20, 1841.

Mr. N. B. Stephens, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to allow an additional Constable to Breckinridge county.

An act for the benefit of Shelby College, and the Theological Seminary of the Protestant Episcopal Church in Kentucky.

An act to change the boundary of Georgetown, Scott county.

An act for the benefit of Thomas Holmes.

An act for the benefit of the Kentucky Historical Society.

An act allowing the Clerk of the Campbell County Court further time to renew his official bond.

An act abolishing the election precincts in Pulaski county.

An act to amend an act, entitled, an act incorporating the Frankfort, Georgetown and Paris Turnpike Road Company, approved February 28, 1835.

An act for the benefit of Wm. Simpson and George F. Hatcher.

A resolution fixing a day for the election of Public Officers.

Preamble and resolutions relative to the inspection of tobacco.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

The House again resumed the consideration of the bill to establish a new Judicial district, and for other purposes, and the amendments proposed thereto by Mr. Caldwell.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then, according to order, took up for consideration the bill to regulate the Shelby and Franklin Turnpike Road Companies.

Mr. Clay moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Clay, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Craddock,	Snyder,
Atkinson,	Curle,	Thomasson,
Brent,	Davidson,	Triplett,
Bruton,	Mason,	Vance,
Clay,	Park,	Woodson—17.
Combs,	Skiles,	

Those who voted in the negative were—

Mr. Speaker,	Haydon,	Rowlett,
Messrs. Brien,	Hays,	Rudd,
Buckner,	Hazlerigg,	Shanks,
Bullock,	Howard,	Shaw,
Bush,	Imboden,	Shuck,
Calhoon,	Innis,	Smith, B.
Chenault,	Johnson,	Smith, H. H.
Chilton,	Kirtley,	South,
Cofer,	Lackey,	Speed,
Colyer,	Lair,	Sprigg,
Crenshaw,	Latimer,	Stephens, N. B.
Cunningham,	Loving,	Stevens, J.
Curd,	Marshall, C. A.	Stockton,
Draffin,	Marshall, W. C.	Taylor,
Fletcher,	Marshall, W. N.	Thomas,
Ford,	McHenry,	Thompson,
Gabbert,	Miller,	Towles,
Goble,	Mitchell,	Trussell,
Graham,	Nance,	Wakefield,
Gray,	Newell,	Waring,
Harding,	Paris,	Watkins,
Hardin,	Perciful,	Watts,
Harrison,	Raymon,	White,
Hart,	Reeves,	Williams,
Hawkins,	Riffe,	Wortham—75.

The said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Haggard moved the following resolution, viz:

Resolved, That the committee on the Penitentiary enquire into its discipline and abuses, if any; and also of any inhuman and merciless treatment recently inflicted upon the convicts; and that they send for, and compel the attendance of witnesses; and report to this House.

Which being twice read, was concurred in.

And then the House adjourned.

FRIDAY, JANUARY 22, 1841.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road at or near Monticello school house, in Grant county.

An act allowing turnpike tollage to witnesses.

With an amendment to the last named bill.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Frankfort Bridge Company.

An act to change the time of holding the Circuit Courts in the Sixteenth Judicial district.

An act to regulate the fees of the Marshal of the Louisville Chancery Court.

An act to change the time of holding the County Courts of Monroe.

Approved January 20, 1841.

1. Mr. Graham presented the petition of sundry citizens of Bullitt county, praying for an additional Constable to said county.

2. Mr. Wortham presented the petition of Reace Shelby, praying that the name of William A. Bowdon may be changed to that of William A. Shelby.

Which were received, the reading thereof dispensed with, and referred: the first to Messrs. Graham, J. P. Hardin and Wortham; and the second to Messrs. Wortham, Graham and Calhoon.

Mr. Howard moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the propriety and expediency of passing a law to authorize all those who had land warrants prior to the passage of the law of 1835, giving to the several counties the vacant lands, and who had not located said warrants, to locate them now, on any unappropriated lands in the county in which they may be citizens.

Which was adopted.

Mr. Ford, from the committee on Religion, to whom was referred the petition of Mary Ann Mason, and the remonstrance of Basil B. Mason—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which was concurred in.

Mr. Ford then asked leave to withdraw said petition and remonstrance; which was granted, and the same were withdrawn.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Clay—1. A bill concerning the Lexington Theological Seminary.

On the motion of Mr. Rudd—2. A bill to incorporate the firemen of the city of Louisville.

Ordered, That the committee on Education prepare and bring in the 1st; and Messrs. Rudd, Bullock, Vance and Miller the 2d.

The House again resumed the consideration of the bill to establish a new Judicial district, and for other purposes; and the amendment proposed by Mr. Caldwell.

On motion of Mr. Haggard,

Ordered, That the said bill and amendment be laid on the table for the present.

Mr. Hazlerigg moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire what amount of money is due to contractors for work done on the Owingsville and Big Sandy turnpike road; what amount is now under contract, and what amount should be put under contract during the present year.

Which was adopted.

A message was received from the Senate, by Mr. Pratt, announcing that the Senate was then ready to proceed to the election of Public Officers.

Mr. Haggard nominated James Davidson as a proper person to fill the office of Treasurer; and after interchanging nominations between the two Houses, this House proceeded to the election; and Mr. James Davidson received the unanimous vote of this House.

Messrs. Speed, Crenshaw and Brent were appointed a committee on the part of this House, to meet a similar committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time, Mr. Speed reported that Mr. James Davidson had received the unanimous vote of both Houses.

Whereupon he was declared duly elected Treasurer of this Commonwealth for the ensuing year.

The House then proceeded to the election of Public Printer.

Mr. Forman nominated Mr. A. G. Hodges; Mr. W. C. Marshall nominated Mr. N. L. Finnell; Mr. Calhoon nominated Mr. J. H. Holeman, and Mr. Brien nominated Mr. F. D. Pettit.

And the vote being taken, it stood thus:

Those who voted for Mr. Hodges were—

Mr. Speaker,	Graham,	Shanks,
Messrs. Adams,	Haggard,	Shuck,
Atkinson,	Harding,	Smith, B.
Botts,	Hardin,	Snyder,

Bruton,	Harrison,	Speed,
Buckner,	Haydon,	Stockton,
Bullock,	Hays,	Thompson,
Bush,	Hazlerigg,	Triplett,
Chenault,	Howard,	Trussell,
Chilton,	Kirtley,	Vance,
Colyer,	Latimer,	Waring,
Combs,	Loving,	Watkins,
Craddock,	Mason,	Watts,
Crenshaw,	McHenry,	White,
Draffin,	Park,	Williams,
Ford,	Perciful,	Woodson—50.
Forman,	Reeves,	

Those who voted for Mr. Finnell were—

Messrs.	Brent,	Hawkins,	Raymon,
	Clay,	Innes,	Riffe,
	Cofer,	Lair,	Rudd,
	Cunningham,	Marshall, C. A.	Stephens, N. B.
	Curd,	Marshall, W. C.	Thomasson,
	Curle,	Morgan,	Wakefield—19.
	Davidson,		

Those who voted for Mr. Holeman were—

Messrs.	Caldwell,	Miller,	Smith, H. H.
	Calhoon,	Newell,	South,
	Fletcher,	Rowlett,	Sprigg,
	Gabbert,	Shaw,	Towles—14.
	Gray,	Skiles,	

Those who voted for Mr. Pettit were—

Messrs.	Brien,	Lackey,	Stevens, J.
	Goble,	Marshall, W. N.	Taylor,
	Hart,	Mitchell,	Thomas,
	Imboden,	Nance,	Wortham—14.
	Johnson,	Paris,	

The same committee were appointed on the part of this House, to meet the committee on the part of the Senate, to compare the vote, and report the result.

After a short time, Mr. Speed reported that the joint vote stood thus:

For A. G. Hodges, - - - - -	79
For N. L. Finnell, - - - - -	20
For J. H. Holeman, - - - - -	16
For F. D. Pettit, - - - - -	20

Mr. Albert G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.

The House then proceeded to the election of Librarian; when Mr. George A. Robertson received a unanimous vote.

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Speed reported that Mr. Robertson had received the unanimous vote of both Houses.

Whereupon he was declared duly elected Librarian for the ensuing year.

The House then proceeded to the election of a President of the Bank of the Commonwealth; when Mr. Owen G. Cates received a unanimous vote.

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Speed reported that Mr. Cates had received the unanimous vote of both Houses.

Whereupon he was declared duly elected President of the Bank of the Commonwealth for the ensuing year.

The House then proceeded to the election of Directors of the Bank of the Commonwealth.

Mr. White nominated Mr. William Owsley and Mr. Peter Dudley; and Mr. McHenry nomited Mr. Thomas S. Page;

And the vote being taken, it stood thus:

Those who voted for Mr. Dudley were—

Mr. Speaker,
Messrs. Atkinson,
Brent,
Brien,
Bruton,
Buckner,
Bullock,
Bush,
Calhoon,
Chenault,
Chilton,
Clay,
Cofer,
Colyer,
Crenshaw,
Cunningham,
Curd,
Curle,
Draffin,
Ford,
Gabbert,
Goble,
Gray,
Harding,
Hardin,
Hart,
Hawkins,
Imboden,
Innes,
Johnson,
Kirtley,
Lair,
Loving,
Marshall, W. C.
Marshall, W. N.
McHenry,
Morgan,
Nance,
Paris,
Park,
Raymon,
Reeves,
Rowlett,
Rudd,
Shaw,
Skiles,
Smith, B.
Speed,
Sprigg,
Stephens, N. B.
Stevens, J.
Stockton,
Taylor,
Thomasson,
Thompson,
Towles,
Trussell,
Wakefield,
Waring,
Watkins,
White,
Williams,
Woodson—63.

Those who voted for Mr. Owsley were—

Mr. Speaker,
Messrs. Adams,
Atkinson,
Brent,
Brien,
Bruton,
Buckner,
Bullock,
Bush,
Caldwell,
Calhoon,
Chenault,
Chilton,
Clay,
Cofer,
Colyer,
Combs,
Craddock,
Crenshaw,
Cunningham,
Curd,
Curle,
Davidson,
Draffin,
Fletcher,
Ford,
Forman,
Gabbert,
Goble,
Graham,
Gray,
Haggard,
Harding,
Hardin,
Harrison,
Hart,
Hawkins,
Haydon,
Hays,
Hazlerigg,
Howard,
Imboden,
Johnson,
Kirtley,
Lackey,
Lair,
Latimer,
Loving,
Marshall, C. A.
Marshall, W. C.
Mason,
Miller,
Mitchell,
Morgan,
Nance,
Newell,
Park,
Perciful,
Raymon,
Riffe,
Rudd,
Shanks,
Shaw,
Shuck,
Skiles,
Smith, B.
Smith, H. H.
Snyder,
South,
Speed,
Sprigg,
Stevens, J.
Stockton,
Thomas,
Thomasson,
Thompson,
Towles,
Triplett,
Trussell,
Vance,
Wakefield,
Waring,
Watkins,
Watts,
White,
Williams,
Woodson—87.

Those who voted for Mr. Page were—

Messrs. Adams,
Caldwell,
Combs,
Craddock,
Davidson,
Fletcher,
Forman,
Graham,
Haggard,
Harrison,
Haydon,
Hays,
Hazlerigg,
Howard,
Innes,
Lackey,
Latimer,
Marshall, C. A.
Marshall, W. N.
Mason,
McHenry,
Miller,
Mitchell,
Newell,
Paris,
Perciful,
Reeves,
Riffe,
Rowlett,
Shanks,
Shuck,
Smith, H. H.
Snyder,
South,
Stephens, N. B.
Taylor,
Thomas,
Triplett,
Vance,
Watts—40.

The same committee were appointed to meet the committee on the part of the Senate, compare the vote, and report the result.

In a short time, Mr. Speed reported that the joint vote stood thus:

For William Owsley, - - - - -	118
For Peter Dudley, - - - - -	82
For Thomas S. Page, - - - - -	64

Mr. Wm. Owsley and Mr. Peter Dudley having received a majority of all the votes given, were declared duly elected Directors of the Bank of the Commonwealth for the ensuing year.

Mr. Ford, from the committee on Religion, to whom was referred the petition of Elizabeth Partlow, and the petition of Elizabeth McDowell—reported the same with the following resolution, viz:

Resolved, That said petitions be rejected: which was concurred in.

Mr. Shanks asked leave to withdraw the petition of Elizabeth McDowell; which was granted, and the petition withdrawn.

Mr. Vance, from the committee on Ways and Means, to whom was referred a resolution directing them to enquire into the expediency of giving to Surveyors a copy of the acts of the General Assembly—asked leave to be discharged from the further consideration thereof; which was granted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Fletcher—1. A bill dispensing with the Board of Internal Improvement, and for other purposes.

By the committee on Religion—2. A bill for the benefit of Sarah Ann Mullinick.

By the committee on Ways and Means—3. A bill for the benefit of the town of Lancaster.

By same—4. A bill for the benefit of Mrs. Miram Wilson.

By the committee on Internal Improvement—5. A bill for the benefit of Joel Thomasson.

By same—6. A bill to authorize the Board of Internal Improvement for Graves county to loan out certain funds in their hands.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Ways and Means; the 2d, 3d, 4th and 6th were severally ordered to be engrossed and read a third time; and the 5th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 1st bill, for the use of the members of the General Assembly.

Mr. Vance, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend an act allowing compensation to the Clerks of the Scott County and Circuit Courts, for transcribing the burnt records, approved Feb. 16, 1838—reported the same without amendment.

The said bill reads as follows:

WHEREAS, it has been represented to the General Assembly of the Commonwealth of Kentucky, that the compensation allowed to the Clerks of the Scott County and Circuit Courts for transcribing the burnt records in said offices is insufficient—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Clerks are hereby allowed two cents for every twenty words transcribed, instead of one cent, to be paid as provided for in the act to which this is an amendment: *Provided*, That the sum to be drawn from the Treasury shall in no event exceed the sum allowed by said act.

Mr. Forman then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be read a third time? and it was decided in the negative.

And so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Forman and Adams; were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bullock,	Clay,	Speed—5.
Chenault,	Harding,	

Those who voted in the negative were—

Messrs. Adams,	Hart,	Rowlett,
Atkinson,	Haydon,	Rudd,
Brent,	Hays,	Shanks,
Brien,	Hazlerigg,	Shaw,
Bruton,	Howard,	Shuck,
Buckner,	Imboden,	Smith, B.
Bush,	Innes,	Smith, H. H.
Caldwell,	Johnson,	Snyder,
Calhoon,	Kirtley,	South,
Chilton,	Lackey,	Sprigg,
Cofer,	Lair,	Stephens, N. B.
Colyer,	Latimer,	Stevens, J.
Combs,	Loving,	Stockton,
Craddock,	Marshall, C. A.	Taylor,
Crenshaw,	Marshall, W. N.	Thomas,
Cunningham,	Mason,	Thomasson
Curd,	McHenry,	Towles,
Davidson,	Miller,	Triplett,
Fletcher,	Mitchell,	Trussell,

Ford,	Morgan,	Vance,
Forman,	Nance,	Wakefield,
Gabbert,	Paris,	Waring,
Goble,	Park,	Watkins,
Graham,	Perciful,	Watts,
Gray,	Raymon,	Williams,
Haggard,	Reeves,	Woodson,
Hardin,	Riffe,	Wortham—82.
Harrison,		

And then the House adjourned.

SATURDAY, JANUARY 23, 1841.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of John Jones, late Sheriff of Jefferson county.

An act for the benefit of the Sheriff of Bourbon county.

An act for the benefit of the Sheriff of Washington county.

An act to amend and continue in force an act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved December 11, 1839.

And had received official information from the Governor, that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

A resolution fixing a day for the election of Public Officers.

Preamble and resolutions relative to the inspection of tobacco.

An act for the benefit of Wm. Simpson and George F. Hatcher.

An act for the benefit of the Kentucky Historical Society.

An act allowing the Clerk of the Campbell County Court further time to renew his official bond.

An act abolishing the election precincts in Pulaski county.

An act to amend an act, entitled, an act incorporating the Frankfort, Georgetown and Paris Turnpike Road Company, approved February 28, 1835.

An act for the benefit of Thomas Holmes.

An act to change the boundary of Georgetown, Scott county.

An act to allow an additional Constable to Breckinridge county.

An act for the benefit of Shelby College, and the Theological Seminary of the Protestant Episcopal Church in Kentucky.

Approved January 21, 1841.

1. Mr. Buckner presented the petition of Richard Long, of Franklin

county, praying the passage of a law allowing him compensation for injury sustained by him on account of the overflowing of his land by slackwater navigation.

2. Mr. McHenry presented the petition of J. H. Davis and Henry Payne, praying the passage of a law cancelling the bond executed by them, as security for J. W. Finnie, for the return of certain public arms.

3. Mr. Lackey presented the petition of sundry citizens of Floyd and Pike counties, praying a repeal of all laws authorizing a grant of license to retail spirituous liquors.

4. Mr. Buckner presented the remonstrance of the Trustees of School District No. 13, in Franklin county, against the passage of any law against the progress of the common school system in said district.

5. Mr. Fletcher presented the petition of Christiana Boothe, praying to be divorced from her husband, James Boothe.

6. Mr. Forman presented the petition of sundry citizens of Mason county, praying the passage of a law more effectually to prohibit the escape of slaves from this State, and to provide for re-capturing such as may escape.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on Military Affairs; the 3d and 5th to the committee on Religion; the 4th to the committee on Education; and the 6th to Messrs. Latimer, Reeves, Forman, C. A. Marshall, W. C. Marshall, Cunningham and N. B. Stephens.

The Speaker laid before the House the report of the Board of Internal Improvement, in response to the resolution from this House of the 18th inst., which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 22, 1841.

SIR: I have the honor to transmit the report of the Board of Internal Improvement in answer to the resolutions of the House of Representatives of the 18th inst. Very respectfully, &c.

JAS. T. MOREHEAD.

Hon. CHARLES S. MOREHEAD,
Speaker of the House of Representatives.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 22, 1841.

The Board of Internal Improvement, in answer to the resolutions of the House of Representatives of the 18th instant, respectfully make the following report:

That the occompanying tables (marked 1 and 2) contain all the information that the Board have it in their power to communicate on the subject embraced by the resolutions.

In relation to that branch of one of the resolutions which refers to the amount now due to the Banks, the Board respectfully state that, from infor-

mation derived from his Excellency, the Governor, the whole indebtedness of the State to Banks, for Internal improvement purposes, has been discharged, with the exception of the sum of $30,000, due to the Bank of Louisville, payable 1st January, 1842, and $10,000 to the Bank of Kentucky, payable at the Branch in Frankfort, whenever the Board have the funds.

In answer to a resolution of the House of Representatives of the 8th of December, 1840, the Board expressed the opinion, that the sum of $50,000 would be required "to fulfil all the obligations of the State to contractors on the Green and Barren rivers, and to finish the works up to the town of Bowlinggreen;" that the sum of $162,489 15 would be required for a like purpose on the Kentucky, and the sum of $150,000 would be necessary to carry on the works on the Licking river, the next season. The Board would remark that, when that report was made, the report of the Green river Commissioners had not been received for the year 1840, nor had it been received when the annual report of the Board was communicated, on the 18th December, 1840, to the General Assembly. The amount assumed to be necessary to finish the Green and Barren river navigation was founded on estimates contained in the report of the Resident Engineer on the Green and Barren rivers, made to the Commissioners in charge of that navigation, for the year 1839. The accompanying report on that subject, from the Chief Engineer, is respectfully submitted.

J. T. MOREHEAD, SAM'L DAVIESS,
THOMAS METCALFE, FINIS E McLEAN.

SCHEDULE No. 1.

The first column exhibits the amount due from the State for work done up to December 1st, 1840, upon contracts made by the Board of Internal Improvement, and Green river Commissioners, including the per centage retained as security for the faithful execution of such contracts.

The second column shows the amount required to pay for work yet to be done to complete the work under contract and now in progress, exclusive of the amount due for that which is already done.

The third column shows the whole amount required to complete the contracts, including the amount due for work now done, and for that which is to be done.

The fourth column shows the amount which it will be necessary to expend upon each improvement, within the present year, upon contracts which cannot be suspended without manifest injury to the State and to the contractors.

	First.	Second.	Third.	Fourth.
	Dollars.	Dollars.	Dollars.	Dollars.
Kentucky river navigation,	59,575 97	102,913 68	162,489 65	140,000 00
Green and Barren river navigation,	34,547 57	115,401 80	149,949 37	120,000 00
Licking river navigation,	8,063 61	359,744 74	367,808 35	140,000 00
Pond river and Rough creek,	2,600 00	2,000 00	4,600 00	4,600 00
Muldrow's Hill road and bridge,	2,210 14	.	2,210 14	2,210 14
	102,997 29	580,060 22	687,057 51	406,810 14

SCHEDULE No. 2.

The first column exhibits the State's proportion of the amount reported to be due to contractors, for work done on the several turnpike roads being constructed under the superintendence of incorporated companies, including the per centage retained as security for the faithful execution of the work.

The second column shows the amount required from the State, to pay for work yet to be done, to complete the work under contract and now in progress, exclusive of the amount due for that which is already done.

The third column shows the whole amount required from the State to complete the contracts, including the amount due for work now done, and for that which is to be done.

The fourth column shows the amount required from the State, to be expended upon each improvement within the present year, upon contracts which cannot be suspended without manifest injury to the State and to the contractors.

	First.	Second.	Third.	Fourth.
	Dollars.	Dollars.	Dollars.	Dollars.
Turnpike road from Louisville, via Elizabethtown, to the Tennessee line,	57,031 67	143,816 20	200,847 87	80,000 00
Turnpike road from Bardstown to the Tennessee line,	71,912 69	41,790 08	113,702 77	80,000 00
Lexington, Harrodsburg and Perryville,	15,000 00	.	15,000 00	15,000 00
Richmond and Lexington,	8,509 00	3,750 00	12,259 00	12,259 00
Georgetown and Covington,	25,906 00	58,469 00	84,375 00	50,000 00
Maysville and Mountsterling,	4,000 00	.	4,000 00	4,000 00
Maysville and Bracken,	1,989 50	9,885 00	11,874 50	11,874 50
Crab Orchard and Cumberland Gap,*	2,500 00	{ 39,407 89 { 62,364 28	{ 104,272 17	20,000 00
Logan, Todd and Christian,†	11,866 00	179,438 00	191,304 00	50,000 00
Balance due other roads, about	6,000 00	.	6,000 00	6,000 00
Hydraulic lime establishment at Louisville,	6,368 00	.	6,368 00	6,368 00
	211,082 86	538,920 45	750,003 31	335,501 50
Crab Orchard and Cumberland Gap road,	2,500 00	101,772 17	104,272 17	
Unconditional contracts,	208,582 86	437,148 28	645,731 14	

* The contracts upon this road are conditional.

† The grading of about thirty miles of this road was put under contract in the year 1840. The other contracts were made prior to the year 1840.

The whole amount estimated to be due from the State, including the per centage retained as security for the faithful performance of the contracts, including river improvements and roads, is - - - $314,080 15

The whole amount required to carry on the works during the year 1841, including the works upon the river improvements, and upon the roads, which cannot be suspended without manifest injury to the public interest, and also to the contractors, is - - - - - $742,311 64

ENGINEER'S OFFICE
Frankfort, January 22, 1841.

SIR:

When the Board of Internal Improvement called upon the undersigned, on the ninth ultimo, for an estimate of the amount of money which would be required to complete the Green and Barren river Navigation, the report of the Commissioners, under whose superintendence the works under contract are being constructed, for the year 1840, had not been made out. It was therefore necessary to rely upon the reports of former years for the cost of the several works, except so far as changes had been made, since the date of those reports.

In the report of the Resident Engineer, dated November 25th, 1839, the cost of the works then in progress, including the locks and dams, both finished and unfinished, and all the work executed under contracts, except the works for the application of water power, and exclusive of the cost of lime, engineering, superintendence, and contingences, was estimated at - - - - - $546,230 04

The hydraulic lime, Engineer's pay, superindence, and contingent expenses, were estimated by the undersigned, in his report, dated Jan. 6th, 1840, at - - 90,000 00

Making the whole cost of the Green and Barren river Navigation, from the mouth of Green river to Bowlinggreen, including all expenses, except the works for water power, - - $636,230 04

There had been paid, on the 25th of November, 1839, by the Green and Barren river Commissioners, $490,723 43 (less by $7,539 20 paid or applied to works for water power,) - - - - 483,184 23

By the Board of Internal Improvement, for hydraulic lime, &c. - - - 43,667 90

Making the amount paid - - - 526,852 13

Amount of money in the hands of the Treasurer of the Green and Barren river Commissioners on the 25th of November, 1839, - - - - - - - 4,968 30

Amount paid by the Board of Internal Improvement, to be applied to the Green and Barren river Navigation, between the 25th of November, 1839, and the 9th of December, 1840, - - - - - - - - 124,300 00

Making the whole amount paid towards the construction of the Green and Barren river Navigation, exclusive of that which had been applied to works for water power, prior to the 25th of November, 1839, but including what has been paid, if any, for such works since, - - - $656,120 43

By the report of the Resident Engineer, dated November 24th, 1837, it appears that he had made an allowance of $28,800, to cover the expenses of the masonry added to the lock walls by the advice of the Chief Engineer;

and $10,000, to cover the expense of the addition made to dam No. 1, in Green river, and to the other dams; also, $12,000, to cover the expense of the increased lift of the locks, ascertained to be necessary by the discovery of an error in the original levels.

In his report, dated November 25th, 1839, he states, that "at lock No. 3 "expensive cribs were found necessary, in order to guard the boats in get- "ting out at the foot of the lock. The great reaction of the water caused "by the close vicinity of the dam, will require more or less expense at all "the locks on this account." And again: "Lock No. 1, in Green river, "will be increased in expense by the wall connecting the lock with the "abutment through the island, to the amount of about $16,000. The coffer "dam and crib work, with other protection, will cost about $10,000 more. "These heavy items are added to the estimates of the locks and dams which, "together with the heavy excavation in the channels at the head and foot "of each lock, constitute a great increase in the total cost."

From these statements it appears, that all the works which the Green river Commissioners deemed necessary to complete the navigation, had been estimated, and that the whole cost, except the lime, engineering, superintendence, and contingent expenses, was included, or intended to be included, in the $546,230 04, which is given as the "total cost when completed."

When the undersigned visited the Green river, in July and in October, he was under the impression that the several works then in progress would cost more than the estimate above referred to. The washing away of the abutment and river bank, at dam No. 3, if paid for by the State, would cause an increase in the expense of that work of from $12,000 to 18,000. No material injury had been sustained at dam No. 1, in Green river, or at dam No. 1, in Barren river. At dam No. 3, in Green river, which was considered finished, some damage had been done by the spring floods, which damage was to be repaired; and it was deemed necessary to extend the water-way of the dam. Some repairs were deemed necessary, at lock No. 2, which was also considered finished.

Some further works were recommended for the security of the dams, and for the security of the boats on their entrance to and departure from the locks. These, as also the damages which had been occasioned by the freshets, were, of course, not embraced in the estimate of Nov. 1839.

There had been paid, as stated above, on the ninth of December last, towards the construction of the Green and Barren river Navigation, including the amount in the hands of the Commissioners, and including the amount, if any, paid since the 25th of November, 1839, to works for water power, but not including the $7,539 20 paid prior to that date, - $656,118 43

Amount stated by the undersigned as necessary to complete the works under contract, in addition to the amount already paid, or drawn from the Board of Internal Improvement, up to December 9, 1840, - - - - 50,000 00

Making the amount allowed to pay the whole expense of the navigation, exclusive of the works for water power, - 706,118 43

Estimated cost of the works, as reported November 25th, 1939, including all expenses, - - - - 636,230 04

Which leaves to repair the damages, and to pay for additional work, - - - - - - - $69,888 39

It appears by the reports recently received, for the year 1840, that the amount required, in addition to the estimates of 1839, is - - - - - - $149,949 37

At lock and dam No. 1, in Barren river, and at No. 1, in Green river, there has been no material loss sustained, by freshets, or otherwise. Yet the estimates of the present Resident Engineer, upon these two locks and dams, exceed the estimates made in November, 1839, by the late Resident Engineer—the first by - - - - . - $44,79 68
And the second by - - - - - - 53,822 59

Making, in both, an excess of - - - - $98,613 27

There has been no change nor addition made to these works, within the period of a year, which would produce such an increase in the cost. There must, therefore, be a material error in one, or the other, of these estimates.

Whenever the undersigned has been ordered by the Board of Internal Improvement to visit the Green and Barren river Navigation, he has been directed to examine the works, and report their condition to the Board. He has also been directed to give such advice to the Commissioners, or to the Resident Engineer, with regard to the manner of constructing the various works, as, in his judgment, might be right and proper. In some cases his advice has been adopted; in others, partially so; and in other cases the Resident Engineer has followed his own plans. The undersigned has never been directed, or authorized, to enter into any calculation of the cost of the works under contract, or to interfere with the estimates, except in a case when application was made to the Legislature for relief, by the contractors for locks and dams Nos. 2 and 3; he has, therefore, no means of determining which of the estimates are in error.

The works for the application of water power, have not been put under contract, except at dam No. 2. The amount of money required to construct them, is not included in the above estimate. The whole cost at the five locks was estimated, in 1839, at $60,000; of this $7,539 20 had been paid to the contractors at No. 2.

I am, sir, very respectfully,
Your obedient servant,
SYLVESTER WELCH,
Chief Engineer of Kentucky.

Hon. JAMES T. MOREHEAD,
President of the Board of Internal Improvement of Kentucky.

Ordered, That said report be referred to the committee on Internal Improvement; and that the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to change the time of holding the Pike County Court.

An act to amend and continue in force an act for the benefit of Den-

ton Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved December 11th, 1839.

An act for the benefit of John Jones, late Sheriff of Jefferson county.

An act to alter the time of holding the Estill County Court.

An act to establish the road leading from Hopkinsville to Clarksville, Tennessee, as a State road.

An act to provide for a change of venue in the prosecution against Sam'l G. Lowe.

An act concerning the town of Carrollton.

An act for the benefit of Joseph L., Wm A., and David H. M. Phillips.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

After a short time, a message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had on this day approved and signed said bills.

Mr. Johnson, from the committee on Education, to whom was referred bills from the Senate of the following titles, viz:

An act to change the mode of paying the Commissioners of Common Schools in Wayne county.

An act for the benefit of the Kentucky Baptist Education Society.

An act for the benefit of the Estill Seminary,

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnson, from the same committee, to whom was referred the petition of sundry citizens of Lincoln county, praying for a change of Trustees to the Stanford Academy; and also the remonstrance of the Trustees of said Academy, against said change—asked leave to be discharged from the further consideration thereof; which was granted.

Ordered, That said petition and remonstrance be referred to the committee for Courts of Justice.

Mr. Speed, from the committee on Agriculture and Manufactures, made the following report, viz:

The committee on Agriculture and Manufactures, to whom was referred "a bill requiring negroes hereafter emancipated to remove out of this State, and for other purposes," have had the same under their consideration, and beg leave to present the following, by way of report, containing the reasons which constrain them to submit to the House the bill hereto appended, as a substitute for the one to them referred.

Your committee perceive that the subject of emancipated slaves has been

brought before the House in various shapes, showing that that description of our population are regarded as an evil, and proposing legislation on the subject, so as to obviate, and as far as possible prevent, the increase of the evils springing from that source.

The subject presents itself in three different aspects. First, as an evil, an accumulating evil on the community, which it is desirable to get clear of; secondly, it is an evil which, if we simply and rudely cast it off from ourselves, must inevitably fall upon some of our surrounding neighbors of our sister States; and thirdly, as regards the unfortunate subjects of our legislation, who, being in our power, have a claim on our mercy.

The bill referred to your committee, it would seem, has contemplated this matter only in its first aspect, as relates to ourselves. But your committee conceive that courtesy, as well as justice to the adjoining States, who *may* be affected by our legislation, and a regard for the miserable objects in our power, who *must* be affected by it, require at our hands, that whatever measure we adopt, should have reference also to the other aspects of the case.

It has been the humane and liberal policy of Kentucky, both in the formation of her constitution and in her legislation since, "to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to any county in this Commonwealth." But your committee believe that experience hath fully demonstrated that neither the liberal policy of the framers of the constitution, nor the benevolent wishes of masters who emancipate their slaves, can be realized, under existing circumstances.

Partly from prejudices not likely to be removed, and partly from a wise precaution, the privileges of freemen are denied them. Though their numbers are considerable, and likely to increase, they cannot be regarded as adding to the physical strength of the State. They have no voice in choosing those who enact the laws by which they are governed. They are, and must be, ineligible to any office. Whatever wrongs they may suffer, from private citizens or from those in authority, in seeking redress they cannot be availed of their own testimony, or that of persons of their own color. Deprived of any intercourse with the whites, they are not permitted to associate freely with their kindred color, the slaves. Without the right of self-defence, they cannot, as a slave can, appeal to a master, and receive protection. Their very color excludes them from schools for education, and consigns them (in this country) to a state of ignorance, degradation and dependence—a condition from which vice and crime as naturally spring, as do weeds from the uncultivated earth.

Thus excluded from all those social enjoyments and political rights which render freedom a blessing, and which nerves the arm of the citizen in defence of his country, they become a discontented, a restless and a worse than useless portion of our population. How natural, then, that they should be regarded by our citizens with suspicion and distrust, as exercising, even by their presence, if not by a clandestine intercourse, a deleterious influence on the slave portion of our population; an influence unfavorable, if not dedestructive to the fidelity, and to that due subordination and content of our slave laborers, so necessary, as well to the success of our agricultual operations, as to the peace and safety of our families.

Such, as your committee conceive, is but a very inadequate picture of the

evils which, under present circumstances, result from the indulgence of one of the noblest impulses of the human heart, in the benevolent act of manumission.

Melancholy indeed would be our situation, if we were bound down, not only to bear the existing evil, but to its increase, and to its perpetuation. But happily for our country, as your committee believe, such is not our unfortunate condition. They believe there is a remedy—a remedy as honorable to the Legislature which may adopt it, as it is wise and just to all concerned; a remedy which, whilst it will relieve our citizens from present or apprehended injuries from emancipated slaves, it will neither annoy our neighboring States, nor leave those unhappy beings in a state of degradation, but will enable them to enjoy the full blessings of real liberty.

Since the formation of our constitution, by the wise forecast and the benevolent exertions of a society of American citizens, an extensive territory hath been procured on the continent of Africa, which was the land and the home of the progenitors of our slave race. In that territory a civil government hath been instituted, adapted to the condition of an infant colony. Its citizens are descendents of Africans, sent from the United States. It has increased and flourished, it is believed, in a degree far exceeding that of any of the original colonies (now States) of this Union. Under that government an emancipated slave may himself enjoy, and leave his progeny to the enjoyment of, those social and political rights which lighten the burthens and mitigate the toils of man, and inspire his patriotism. The ownership of the soil he cultivates; the right of suffrage; eligibility to office; equal laws; the full benefit of education, and the free exercise of religious worship—these are some of the numerous blessings which many thousands who have been freed from bondage, or the descendents of such, are now peacefully and happily enjoying in Liberia, whither they have been transported by the American Colonization Society.

If, then, a separation thus beneficial to both parties, could be rendered certain, by proper legal provisions, there would no longer exist a struggle in the breast of a good master, between his kind feelings towards a slave whom he was disposed to liberate, and the *paramount* duty of guarding the common interest of his fellow citizens. On the contrary, he would see that, by indulging his kind feelings, he might enjoy the consolation of conferring the greatest of all earthly blessings on his slave, when, by the same act, he would, to some extent, remove an admitted evil from his country, and most effectually prevent them from becoming a public charge.

Ordered, That the Public Printer forthwith print 150 copies of the said report for the use of the members of the General Assembly.

Mr. Speed, from the same committee, to whom was referred a bill requiring negroes hereafter emancipated to remove out of this State, and for other purposes—reported the same with an amendment as a substitute for the original bill.

Ordered, That said bill and substitute be referred to a committee of the whole House, and made the special order of the day for Wednesday, the 27th instant.

Ordered, That the Public Printer forthwith print 150 copies of the said substitute, for the use of the members of the General Assembly.

Mr. Speed, from the same committee, made the following report, accompanied by a resolution, viz:

The committee on Agriculture and Manufactures, to whom was referred the memorial of a committee of the Kentucky Agricultural Society, praying an appropriation of a sum not exceeding five hundred dollars annually, for the purpose of procuring, publishing and distributing useful and practical information among the farming classes, beg leave to report: That, whilst such an appropriation would be highly *useful* to that numerous, respectable and useful class of the community, yet in the present state of the Treasury, unable to meet promptly the calls of our citizens for debts due on contract, and other purposes of pressing necessity, the committee are constrained, reluctantly, to recommend the following resolution:

Resolved, That the prayer of the memorialists ought not be granted.

Which was concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill further to regulate the Madison turnpike and Wilderness road.

By same—2. A bill to amend the several acts providing for internal improvements in the State of Kentucky.

By the committee on Education—3. A bill to amend the act establishing Shelby College.

By same—4. A bill to amend an act, entitled, an act authorizing a lottery for the purpose of erecting a house in Lexington for the use of the medical school.

By same—5. A bill to incorporate the shareholders of the Carrolton Library Company, in the town of Carrolton, Carroll county.

By the committee on Agriculture and Manufactures—6. A bill to incorporate and establish the Marion County Agricultural Society.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee for Courts of Justice; the 2d to the committee on Ways and Means; the 3d to the committee on Education; the 4th to Messrs. Draffin, Paris and Fletcher; and the 5th and 6th were ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 5th and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 2d bill for the use of the members of the General Assembly.

Mr. Woodson, from the committee on Propositions and Grievances—reported a bill to establish the county of Boyle.

Which was read the first time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of April next, all those parts of Mercer and Lincoln counties within the following boundaries, to-wit: Beginning at the point where the Casey, Mercer and Lincoln lines meet; thence a direct line to Shelby's meeting house, in Lincoln county; thence in a direct line to the five mile tree on the main road leading from Danville to Stanford; thence a due east line to the Hanging Fork; thence with the meanders of, and down said fork to its mouth, in Dick's river; thence down and with said river to a point thereon, from which a due east and west line therefrom will include the house and yard and garden of the late Judge Boyle, now owned and occupied by Robert Tilford, in Mercer county; thence from said point said due east and west line, so as to include said house and yard; thence in a direct line to the bridge across Harrod's run, on the turnpike road from Danville to Harrodsburg; thence to the bridge across the Dry Fork of Chaplin, to the turnpike road from Perryville to Harrodsburg, and continuing the same course to the Washington county line; thence with the Washington and Marion east county lines to the north Casey county line; thence with the Casey county line to the beginning—shall be, and the same is hereby, erected into one distinct and separate county, to be called and known by the name of "Boyle," in honor of Kentucky's distinguished jurist, John Boyle.

SEC. 2. *Be it further enacted*, That the county of Boyle shall be entitled to thirteen Justices of the Peace; who, after having been commissioned and sworn as the law directs, shall, on the second Monday in March, eighteen hundred and forty one, meet at the house of James Porter, in the town of Danville, and having qualified their Sheriff, they shall proceed to appoint a Clerk, to whose permanent appointment a majority of all the Justices in commission in and for said county shall concur; but if such majority cannot be had in favor of any one, then the County Court of Boyle county may appoint a Clerk *pro tem.* until a majority of said court shall concur in an appointment of Clerk.

SEC. 3. *Be it further enacted*, That the County and Circuit Courts of Mercer and Lincoln counties, and the Justices of the Peace thereof, shall have jurisdiction, in law and equity, in all cases before this act takes effect, in the respective parts of said counties in which such cases may arise: and it shall be lawful for the Sheriffs, Constables and Collectors in said counties to collect all money and execute all process, as the law directs, which may be in their hands at the time when this act takes effect, and account for the same according to law.

SEC. 4. *Be it further enacted*, That the County Court of said county of Boyle, a majority of all the Justices of said court concurring therein, shall be, and they are hereby, authorized and required to make a suitable selection of lots or parcels of ground, and purchase the same, in said county, for the erection of public buildings for the seat of justice of said county; and it shall be the duty of said County Court to make provision for the payment of the purchase money to be paid for said lot or parcel of ground, according to the terms of the purchase; and the said County Court shall, so soon as may be after the purchase of such lot or parcel of ground, proceed to cause a suitable court house and jail, with such other public buildings as they may think necessary or proper to be erected thereon; and until the said buildings are erected, it shall be the duty of the County Courts, at the expense of

their county, to select and provide some suitable house in said county, in which the sessions of the County and Circuit Courts in and for said county may be held, until the court house shall be completed and prepared for that purpose: *Provided, however*, That said County Court shall locate the seat of Justice for said county in the town of Danville, if the sum of eight thousand dollars shall, on or before the second Monday in July next, be raised by private subscription, and secured to be paid to said County Court in equal installments, at the periods of six, twelve and eighteen months, from and after the second Monday of July, 1841.

SEC. 5. *Be it further enacted*, That the county of Boyle shall be entitled to five Constables, and no more; and the County Court of said county, so soon as this act takes effect, shall lay off the same into five Constables' districts, and in the appointment of Constables and other county officers, shall be governed by the general law in force on those subjects.

SEC. 6. *Be it further enacted*, That the County Court of Boyle shall appoint Commissioners of Tax for the year 1841, who shall be governed by the laws which may be in force on that subject.

SEC. 7. *Be it further enacted*, That the Surveyor of Garrard county shall be, and he is hereby, appointed Commissioner, with such assistants as he may deem necessary to employ, to run and mark the boundary lines of said county of Boyle, who shall be allowed three dollars per day for his services, whilst engaged in the same; and two dollars per day shall be allowed to each of the persons he may engage to assist him, payable out of the county levy of said county of Boyle.

SEC. 8. *Be it further enacted*, That the County Court of said county shall, in making their levy, provide for the payment of said Surveyor and his assistants, as aforesaid.

SEC. 9. *Be it further enacted*, That the qualified voters in said county of Boyle shall vote at all elections held for Senators and Representatives in the State Legislature, for members of Congress, and all other officers, in the same manner, and at the same places in said county they now do, and also at the seat of justice of said county, when the same shall be established; and the said county, in said elections, shall vote for Senators and Representatives in the General Assembly, with the counties of Lincoln and Mercer, as they did before the passage of this act; and the Sheriffs of said counties shall compare the polls of said counties and elections, as now prescribed by law.

SEC. 10. *Be it further enacted*, That the County Court of said county of Boyle shall hold its terms on the second Mondays of each and every month; and the Circuit Court in and for said county shall hold its terms on the fourth Mondays in April, July and October, in every year, and continue twelve juridical days at each term, if the business of said court shall require it.

SEC. 11. *Be it further enacted*, That the Sheriffs of Mercer and Lincoln counties shall proceed to collect the revenue and county levy in said counties, as though this act had never passed.

SEC. 12. *Be it further enacted*, That the county of Boyle shall be, and the same is hereby, attached to the twelfth Judicial district of this Commonwealth.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with,

Mr. Lackey moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the negative.

And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Shanks and Lackey, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Hawkins,	Shaw,
Brien,	Hays,	Shuck,
Bruton,	Hazlerigg,	Smith, B.
Bush,	Innes,	Snyder,
Caldwell,	Lair,	South,
Chenault,	Loving,	Stockton,
Cofer,	Marshall, C. A.	Vance,
Combs,	McHenry,	Wakefield,
Cunningham,	Mitchell,	Waring,
Curle,	Park,	Williams,
Fletcher,	Perciful,	Woodson,
Gray,	Rowlett,	Wortham—36.

Those who voted in the negative were—

Mr. Speaker,	Haggard,	Raymon,
Messrs. Atkinson,	Harding,	Riffe,
Botts,	Hardin,	Rudd,
Brent,	Harrison,	Shanks,
Buckner,	Hart,	Skiles,
Calhoon,	Haydon,	Smith, H. H.
Chilton,	Howard,	Sprigg,
Clay,	Imboden,	Stephens, N. B.
Colyer,	Lackey,	Stevens, J.
Craddock,	Latimer,	Taylor,
Curd,	Marshall, W. C.	Thomas,
Davidson,	Marshall, W. N.	Thompson,
Ford,	Mason,	Towles,
Forman,	Miller,	Triplett,
Gabbert,	Morgan,	Trussell,
Goble,	Nance,	Watkins,
Goodson,	Paris,	Watts—52.
Graham,		

And then the House adjourned.

MONDAY, JANUARY 25, 1841.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act to appoint Trustees for the Grant Seminary.

An act for the benefit of the Clerk of the Boone County Court.

An act for the benefit of the First School District, in Pike county.

An act for the benefit of the Sheriff of Montgomery county.

With amendments to the last named bill.

And that they had passed a bill, entitled, an act for the benefit of Thomas B. Megowan, Jailer of Fayette county.

The Speaker laid before the House the report of the Trustees of the Cumberland Hospital, which is as follows, viz:

SMITHLAND, *January* 18, 1841.

SIR:

Please lay the annexed report before the body over which you preside, and oblige your obedient servant,

WM. GORDON.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

Report of the Trustees of the Cumberland Hospital to the Legislature of Kentucky, December 1st, 1840.

CUMBERLAND HOSPITAL.

		Dr.
To balance due as shown by last report, November 23, 1839,		$27 50
To Wm. Smith, keeper, for 700$\frac{4}{7}$ weeks' board of patients, since last report, at $3 50,		2,452 00
To same for washing 158 dozen, at 50 cents,		79 00
To same for burying five persons, at $6,		30 00
To Gordon and Barnett for port wine, oil, paints, &c,		42 15
To Thos. M'Cormick for domestic, &c. &c. &c.,		61 92
To Dr. D. B. Sanders for bill, medicines,		156 16
To D. B. Sanders, M. D., for his services as Physician, one year and seven days up to date,		305 25
		$3,154 48
	Cr.	
By Legislative appropriation for 1840,	$1,500 00	
By cash from Treasury of United States,	969 00	
By cash from patients,	37 75	
		2,506 75
		$647 73

It will be discovered from the foregoing statement, that the Hospital is in debt in the sum of six hundred and forty seven dollars and seventy three cents. This is owing to the increased number of patients, and many obstinate and protracted cases. There have been admitted into the Hospital since the last annual report, one hundred and nineteen patients; from among whom there have been *only five* deaths! and ten are now remaining not well enough for dismissal.

An appropriation, by the present Legislature, of a sum sufficient to pay the debts now hanging over the institution, ($647 73,) in addition to the usual annual appropriation of fifteen hundred dollars, we anticipate will be sufficient to continue its usefulness for the coming year.

We have not been able, as yet, to obtain a judgment against Patterson, McCawley, and Gower, for the money which fell into their hands in the spring of 1838, from the Treasury of the United States, but we anticipate such will be the result some time in the year 1841.

All of which is most respectfully submitted.

WM. GORDON,
THOMAS M'CORMICK,
BENJAMIN BARNER,
BLOUNT HODGE,
F. W. WELLER,
Trustees Cumberland Hospital.

Mr. Haggard moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be, and they are hereby, requested to report to this House the precise amount of money that has been appropriated to the Cumberland river, if any; how much has been expended, if all; if not, the reasons why.

Which was adopted.

On motion of Mr. Curd,

Resolved, That this House meet the balance of the session at 9 o'clock, instead of 10, in the morning.

1. Mr. Atkinson presented the petition of John Hockersmith, praying additional compensation for distributing the Acts and Journals of last session.

2. Mr. Loving presented the petition of Juliet Henry, praying indemnity for injury sustained by freshets at lock and dam No. 4, on Green and Barren river.

3. Mr. Paris presented the petition of Elizabeth Merret, praying to be divorced from her husband, John Merret.

4. Mr. Hays presented the petition of sundry citizens of Hardin county, praying that the place of voting in a precinct in said county may be changed.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee on Claims; the 2d to the committee for Courts of Justice; the 3d to the committee on Religion; and the 4th to Messrs. Hays, Cofer, Loving and Gray.

Mr. Woodson, from the same committee, to whom was referred the petition of sundry citizens of McCracken and Hickman counties, praying for the formation of a new county out of parts of said counties—reported the same with the following resolution, viz:

Resolved, That said petition be rejected; which was concurred in.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred the petition of Sylvanus Johnson—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which was concurred in.

Mr. Craddock, from the committee on Claims, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Robert Pace and Levi Pennington.

An act for the benefit of John S. Fisher.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled,

An act to establish the office of Sergeant of the General Court.

With an amendment.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Calhoon, from the same committee, to whom was referred a bill from the Senate, entitled, an act to change the time of holding the courts in the third Judicial district of Kentucky, and for other purposes—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative.

And so the said bill was disagreed to.

Mr. Calhoon, from the same committee, to whom was referred a bill to alter the mode of comparing the polls in the election of certain officers—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill to authorize the running, marking and extending the county lines between the counties of Todd, Logan and Christian—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows:

An act to authorize the running, marking and extending the county lines between certain counties.

Mr. McHenry, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law concerning the town of Hardinsburg, and for other purposes—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Loving, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend and reduce into one the several acts concerning the fire company in the town of Shelbyville—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to a bill from this House, entitled, an act to establish the office of Sergeant of the General Court,

Were twice read, and concurred in.

The Speaker laid before the House a communication from the First Auditor of Public Accounts, which is as follows, viz:

STATE OF KENTUCKY,
Auditor's Office, January 25, 1841.

SIR: Please lay before the House over which you have the honor to preside, the following superabundance in the Auditor's annual report for the

year ending and including the 10th October, 1840. Page 19, these words and figures, to-wit:

"Government owes Treasurer, for Sinking Fund, $5,736 03

$320,917 98,"

have expunged from said report,

And oblige yours, &c.

BEN. SELBY, *Auditor Public Accounts.*

Hon. C. S. MOREHEAD, *Speaker of the H. R.*

A message was received from the Senate, announcing the passage of a bill for the benefit of the Sheriff of Calloway county.

The said bill was then read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Ways and Means.

Mr. Calhoon, from the committee for Courts of Justice, reported a bill for the benefit of the Lexington and Ohio Railroad Company.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be postponed to, and made the special order of the day for Wednesday, the 27th instant; and that the Public Printer forthwith print 150 copies of said bill, and the petition accompanying the same, for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Bush—A bill to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church.

By Mr. Draffin—A bill to amend an act, entitled, an act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

By Mr. Paris—A bill for the benefit of George W. Mansfield, and for other purposes.

By Mr. Curle—A bill for the benefit of the Medical Faculty of Transylvania University.

By Mr. Graham—A bill allowing an additional Constable to the county of Bullitt.

By the committee on Claims—A bill for the benefit of Wm. Simpson.

By the committee for Courts of Justice—A bill to amend an act, entitled, an act to amend the charter of the city of Covington, approved January 4, 1841, and for other purposes.

By same—A bill for the benefit of the heirs of Worden Pope and Frederick Geiger, deceased.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Crenshaw, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to amend the law of last session, relating to idiots and lunatics—reported the same with amendments, which were concurred in.

Mr. Craddock then moved an amendment to said bill.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then, according to order, resolved itself into a committee of the whole House—Mr. Thompson in the chair—on the bill to increase the revenue, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

TUESDAY, JANUARY 26, 1841.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to divorce Harriet Bennett.

An act for the benefit of S. H. Chew, Jr. and others.

An act for the benefit of the mechanics of the town of Smithland.

An act for the benefit of the administrator and heirs of John W. Lowry, deceased.

An act to change the place of voting in election precincts in Hardin and Barren counties.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to amend the laws incorporating the town of Hickman.

An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting House in Shelby county.

1. Mr. Forman presented the petition of sundry citizens of Mason county, praying a repeal of all laws authorizing the grant of licenses to retail spirituous liquors.

2. Mr. Mason presented the petition of Alexander R. McKee, praying the passage of a law legalizing the proceedings of the Garrard County Court at their January term, 1841.

3. Mr. Woodson presented the petition of Thomas J. Brown, praying that compensation be allowed him for expenses incurred in bringing a felon to trial and punishment.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee on Religion; the 2d to the committee for Courts of Justice; and the 3d to the committee on Claims.

On motion of Mr. Innes—Leave was given to bring in a bill for the benefit of the executor of Shadrack Shearman, dec'd.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the law of last session relating to idiots and lunatics, and the amendment proposed thereto by Mr. Craddock.

The question was then taken on the adoption of the said amendment, and decided in the negative.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Caldwell, from the committee for Courts of Justice, to whom was referred the petition of the heirs of O. Woolcey, deceased—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Caldwell, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

An act to change the time of holding the Knox County Court, and for other purposes.

An act to incorporate the Grand Lodge of Kentucky,

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the Senate, entitled, an act to establish the Lexington Cemetery—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Mr. Draffin moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Haggard and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Atkinson,	Gabbert,	Reeves,
Brent,	Goodson,	Rudd,
Buckner,	Graham,	Shanks,
Bullock,	Gray,	Shuck,
Bush,	Harding,	Skiles,
Calhoon,	Hardin,	Smith, H. H.
Chenault,	Harrison,	Speed,
Chilton,	Hawkins,	Stevens, J.
Clay,	Hays,	Stockton,
Colyer,	Innes,	Taylor,
Combs,	Johnson,	Thomas,
Craddock,	Kirtley,	Thompson,
Crenshaw,	Lackey,	Triplett,
Cunningham,	Latimer,	Trussell,
Curd,	Loving,	Vance,
Curle,	Marshall, W. C.	Wakefield,
Davidson,	Mason,	Watkins,
Draffin,	McHenry,	Watts,
Fletcher,	Miller,	White,
Ford,	Morgan,	Woodson—62.
Forman,	Percifal,	

Those who voted in the negative were—

Messrs. Brien,	Howard,	Riffe,
Bruton,	Imboden,	Rowlett,
Caldwell,	Lair,	Smith, B.
Cofer,	Marshall, W. N.	Snyder,
Haggard,	Mitchell,	South,
Hart,	Nance,	Stephens, N. B.
Haydon,	Paris,	Waring,
Hazlerigg,	Park,	Williams—24.

Mr. Haydon moved the following resolution, viz:

Resolved, That Doctor Tompkins have the use of this Hall three or four evenings next week, commencing the 2d day of February, 1841, at half past 6 o'clock, P. M. to deliver Phrenological Lectures without charge to any person.

Which was adopted.

Mr. Vance, from the committee on Ways and Means, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of the Sheriff of Calloway county.

An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray.

An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Forman moved the following resolution, viz:

Resolved, That during the residue of the session, it shall be the standing rule of this House that Saturday of each week shall be set apart exclusively for the purpose of calling the counties.

Which was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—1. A bill for the benefit of Juliet Henry, executrix of Matthew W. Henry, dec'd.

By same—2. A bill to incorporate the Pleasant Grove Meeting House.

By the committee on Religion—3. A bill for the divorce of Robert S. Brame.

By same—4. A bill for the divorce of Sarah Surlott.

By the committee on Ways and Means—5. A bill for the benefit of the Sheriff of Henry county.

By Mr. Crenshaw—6. A bill concerning the Christian Church at Glasgow.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Internal Improvement; and the 2d, 3d, 4th, 5th and 6th were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Hazlerigg—Leave was given to bring in a bill regulating the old toll gate on the Owingsville and Big Sandy road.

Ordered, That Messrs. Hazlerigg, Waring, Goble, Morgan and Botts prepare and bring in the same.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to establish a State road from Henderson (through Madisonville) to Hopkinsville.

An act to incorporate the Elizabethtown Fire Company.

An act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.

An act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road at or near Monticello school house, in Grant county.

An act for the benefit of the administrator and heirs of Mordecai Jackson, deceased.

An act to emancipate Eliza and her children, and for other purposes.

An act for the benefit of the Sheriff of Bourbon county.

An act for the benefit of the Sheriff of Washington county.

An act for the benefit of the heirs of Matthew Galt.

An act regulating the powers of the Trustees of the town of Sharpsburg.

An act to appoint Trustees for the Grant Seminary.

An act for the benefit of the Clerk of the Boone County Court.

An act to incorporate the Green River Iron Manufacturing Company.

An act to establish the office of Sergeant of the General Court.

An act for the benefit of the First School District in the county of Pike.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had on this day approved and signed an enrolled bill which originated in this House, entitled,

An act to establish the office of Sergeant of the General Court.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which was read, as follows, viz:

Gentlemen of the Senate and of the
House of Representatives:

In compliance with a request of the General Assembly of Indiana, I transmit a copy of a joint resolution of that State, relative to the election of President and Vice President of the United States.

R. P. LETCHER.

January 26, 1841.

EXECUTIVE DEPARTMENT,
Indianapolis, January 19, 1841.

SIR:

In compliance with the request of the General Assembly of the State of Indiana, I have the honor to transmit a copy of their "joint resolution relative to the election of President and Vice President of the United States," and to request that the same may be laid before the Legislature of Kentucky.

Very respectfully, your obedient servant,

SAM'L BIGGER.

His Excellency, the Governor of Kentucky.

A Joint Resolution relative to the election of President and Vice President of the United States.

Resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to vote for the passage of a law designating the same day throughout the United States for the choice of Electors for President and Vice President of the United States, in accordance with the fourth section of the second article of the Constitution.

Resolved, That the Governor of this State be requested to transmit a copy of this Joint Resolution to each of our Senators and Representatives in Congress, and to the Governors of each of the States, with a request that it be laid before their respective Legislatures.

SAMUEL JUDAH,
Speaker of the House of Representatives.
SAMUEL HALL,
President of the Senate.

Approved January 19, 1841.

SAMUEL BIGGER.

The House again, according to order, resolved itself into a committee of the whole, on the bill to increase the revenue, and for other purposes—Mr. Haydon in the chair—and after some time spent therein, the Speaker resumed the chair; when Mr. Haydon reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

WEDNESDAY, JANUARY 27, 1841.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act to amend and revive the law in relation to the election of Trustees for the town of Stanford, Lincoln county.

An act concerning the town of Mountsterling.

An act for the benefit of Mrs. Miram Wilson.

An act for the benefit of the town of Lancaster.

And that they had passed bills of the following titles, viz:

An act to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.

An act to amend an act, entitled, an act giving to officers, and crews, and mechanics and others, a lien on steamboats.

An act to authorize the re-binding of record books in the Clerks' offices of Hardin county.

An act authorizing certain records, &c. of the Clarke County Court to be transcribed.

An act for the benefit of Joseph Gillis.

An act for the benefit of the Sheriff of Clay county.

Bills of the following titles, viz:

A bill authorizing Reuben Collings and George W. Brewer to build a mill dam on Salt river.

A bill authorizing Nicholas Porter to build a mill dam on Salt river.

Were read the second time, and ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

1. Mr. Shanks presented the petition of Sally Cully, praying to be divorced from her husband, George Cully.

2. Mr. Graham presented the petition of the Trustees of the Baptist Church in Shepherdville, praying permission to sell and convey a lot in said town.

3. Mr. Latimer presented the petition of the citizens of the town of Walton, Boone county, praying for an extension of the limits of said town; and that the Trustees may be permitted to license taverns, groceries and coffee houses.

Which were received, the reading thereof dispensed with, and referred; the 1st to the committee on Religion; and the 2d and 3d to the committee for Courts of Justice.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of the first school district in the county of Pike.

An act to appoint Trustees for the Grant Seminary.

An act for the benefit of the Clerk of the Boone County Court.

An act for the benefit of the Sheriff of Bourbon county.

An act for the benefit of the Sheriff of Washington county.

An act for the benefit of the heirs of Matthew Galt.

An act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house in Grant county.

An act to emancipate Eliza and her children, and for other purposes.

An act for the benefit of the administrator and heirs of Mordecai Jackson, deceased.

An act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.

An act regulating the powers of the Trustees of the town of Sharpsburg.

An act to incorporate the Elizabethtown Fire Company.

An act to establish a State road from Henderson through Madisonville to Hopkinsville.

An act to incorporate the Green River Iron Manufacturing Company.

Approved January 26, 1841.

On motion of Mr. Bush—Leave was given to bring in a bill to amend the militia law.

Ordered, That the committee on Military Affairs prepare and bring in the same.

On motion of Mr. A. Harding, the House took up from the table the bill to establish a new Judicial district, and for other purposes.

After some discussion had thereon,

Mr. Cofer moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. W. N. Marshall then moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be, and there is hereby established, an additional Judicial district in this Commonwealth, which shall be styled the Eighteenth Judicial District, to be composed of the counties of Green, Adair, Russell, Clinton and Wayne; and that a Circuit Judge and Commonwealth's Attorney shall be appointed for said district, who shall possess all the powers and receive the same emoluments that are exercised and received by the other Circuit Judges and Commonwealth's Attorneys in this Commonwealth.

SEC. 2. *Be it further enacted*, That the county of Rockcastle be added to, and compose a part of, the twelfth Judicial district.

SEC. 3. *Be it further enacted*, That the county of Edmonson be added to, and compose a part of the eighth Judicial district.

Mr. Innes then moved the previous question.

The question was then taken: Shall the bill pass? and it was decided in the negative.

And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Innes and Lair, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Atkinson,	Harding,	Shuck,
Bullock,	Hardin,	Skiles,
Calhoon,	Hawkins,	Speed,
Clay,	Loving,	Stockton,
Craddock,	Marshall, W. C.	Thomas,
Crenshaw,	Marshall, W. N.	Thompson,
Davidson,	McHenry,	Vance,
Forman,	Park,	Waring,
Gabbert,	Rudd,	Wortham—28.
Goodson,		

Those who voted in the negative were—

Messrs. Botts,	Haggard,	Reeves,
Brent,	Hart,	Riffe,
Brien,	Haydon,	Rowlett,
Bruton,	Hays,	Smith, B.
Buckner,	Hazlerigg,	Smith, H. H.
Bush,	Howard,	Snyder,
Caldwell,	Imboden,	South,
Chenault,	Innes,	Sprigg,
Chilton,	Johnson,	Stephens, N. B.
Cofer,	Kirtley,	Stevens, J.
Colyer,	Lackey,	Taylor,
Combs,	Lair,	Thomasson
Cunningham,	Latimer,	Towles,

Curd,	Mason,	Triplett,
Curle,	Mitchell,	Wakefield,
Draffin,	Morgan,	Watkins,
Fletcher,	Nance,	Watts,
Ford,	Paris,	White,
Goble,	Perciful,	Williams,
Graham,	Raymon,	Woodson—61.
Gray,		

Mr. Towles, from the select committee who were appointed to examine Transylvania University and the Lunatic Asylum, made the following report, viz:

[*For the report, see Legislative Documents, page* 389.]

Ordered, That said report be referred to the committee on Ways and Means.

Mr. Draffin, from the committee on the Penitentiary, made the following report, viz:

The committee on the Penitentiary, to whom was referred the resolution of the House of Representatives of the 21st instant, to enquire into the discipline of the Penitentiary, and abuses (if any) recently inflicted upon the convicts, and that they send for, and compel the attendance of, witnesses, &c. have performed that duty, and beg leave to make the following report:

That they have made enquiry touching the subject mentioned in the said resolution; that the general discipline of the institution is good; that chastisement has never been inflicted cruelly or inhumanly in the last two years.

Your committee have no hesitation in saying, that to produce the due subordination necessary to the safety and prosperity of an institution in which are collected together so great a number of lawless and desperate men, that chastisement of some kind is indispensably necessary; and whatever difference of opinion may exist as to the kind and amount of punishment that should be inflicted for disobedience of orders and the infraction of the laws of the prison, the committee believe that in many cases corporeal punishment is necessary.

In relation to the particular case which they suppose gave rise to the resolution of enquiry, they in person examined the convict who has been punished, and had brought before them, witnesses who were present at the time the punishment was inflicted, and examined them on oath. Although there is nothing in the resolution directing the committee to enquire into the cause of punishment, yet they feel it to be their duty to state, that the convict alluded to, had been sent out some mile and a half from the prison, to get ice, and that he eluded the vigilance of the guard, and escaped some mile or two, and concealed himself in the adjacent hills, where he was discovered and retaken. It was in proof, that the keeper said the convict should have a genteel little dressing for his disobedience; and that the keeper directed W. Robertson to inflict the same; but said Robertson afterwards went to the assistant keeper for orders, who directed him to give the convict a decent dressing; and said Robertson says he gave the convict between seventy and eighty lashes on the bare skin, with a cowhide; which, from the stripes on

the back and legs, we presume is about the number inflicted. But the committee, upon close examination, say, that though it was a severe whipping, yet it was not such a one as to be called cruel or inhuman.

The committee believe that the practice of a subordinate directing punishment to be inflicted, or leaving the amount of punishment discretionary with a subordinate, is wrong, and should no longer be allowed.

The committee have confidence in the humanity and skill of the keeper, and believe the institution has never been better managed, and believe that the keeper alone should pass sentence as to the mode and amount of punishment to be inflicted.

All of which is respectfully submitted.

JOHN DRAFFIN, *Chairman.*
H. H. SMITH,
GEO. W. TRIPLETT,
JOHN SHAW,
JOHN GRAHAM,
ELIJAH COMBS,
LEO HAYDON.

Mr. W. C. Marshall, from the committee on Banks, made the following report.

[*For the report, see Legislative Documents, page* 395.]

Ordered, That the Public Printer forthwith print 1000 copies of the said report, and such documents as the committee may designate, for the use of the members of this House.

Mr. W. C. Marshall, from the same committee—reported a bill to restore the privileges of the Banks when they resume specie payments.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be postponed to, and made the special order of the day for Tuesday, the 2d day of February; and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill for the benefit of Joel Thomasson—reported the same with an amendment, which was concurred in.

Mr. Morgan then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Calhoon then moved that said bill have its third reading on this day.

And the Speaker decided that it was in order; from which decision Mr. Sprigg took an appeal to the House.

The question was then taken: Shall the decision of the chair stand? and it was decided in the affirmative.

The said bill was then read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clay moved the following resolution, viz:

Resolved, That the committee on the Penitentiary be instructed to report a bill preventing the infliction of corporal punishment upon convicts in the Penitentiary; but punish all prisoners by solitary confinement and fasting only.

Mr. Goble moved an amendment as a substitute for said resolution.

And then the House adjourned.

THURSDAY, JANUARY 28, 1841.

1. Mr. Vance presented the petition of John Scott, praying to be divorced from his wife, Elizabeth Scott.

2. Mr. Brien presented the petition of sundry citizens of Calloway county, praying that Robert B. Skaggs (who is under age) may be made capable of transacting business in the same manner as though he was of full age.

3. Mr. Hawkins presented the petition of sundry citizens of the town of Napoleon, in Gallatin county, praying the passage of an act incorporating said town.

4. Mr. Perciful presented the petition of the administrator and heirs of Hugh Cole, deceased, praying the passage of a law authorizing a sale of certain real estate of said decedent.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee on Religion; the 2d and 4th to the committee for Courts of Justice; and the 3d to the committee on Propositions and Grievances.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to Leonard Seay's, Jr.

An act to incorporate the shareholders of the Carrolton Library Company in the town of Carrolton, Carroll county.

An act to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church.

An act allowing an additional Constable to the county of Bullitt.

An act for the benefit of Wm. Simpson.

And that they had passed bills of the following titles, viz:

An act to establish the fire department of the city of Louisville.

An act for the benefit of Sarah Scroggin.

An act for the divorce of Wm. Wilson.

An act for the benefit of Lyman Martin, committee of Julian Montague.

An act for the benefit of Pleasant Sandidge, late Sheriff of Green county.

An act to authorize the County Court of Union to lay an additional levy.

An act for the benefit of George J. Brown, and others.

An act for the benefit of the widow and heirs of Jacob C. Butler, dec'd.

Ordered, That the resolution proposed by Mr. Clay, on yesterday, and the substitute therefor, proposed by Mr. Goble, be laid on the table for the present.

Mr. Bullock, from the committee on Internal Improvement—asked leave to be discharged from the further consideration of the leave to bring in a bill for the benefit of John Trimble, David Trimble, and John T. Woodrow; which was granted, and the same was referred to Messrs. Waring, Haydon, Bruton and Triplett.

Mr. Bullock, from the same committee, to whom was referred a bill for the benefit of Juliet Henry, executrix of Matthew W. Henry, deceased—reported the same with amendments, which were concurred in.

The said bill was then further amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Fletcher and Mitchell, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Atkinson,	Gray,	Reeves,
Botts,	Haggard,	Riffe,
Brent,	Harding,	Rowlett,
Brien,	Hardin,	Rudd,
Buckner,	Harrison,	Shanks,
Bullock,	Hawkins,	Shaw,
Bush,	Hays,	Shuck,
Calhoon,	Howard,	Snyder,
Chenault,	Imboden,	Speed,

Chilton,	Innes,	Stephens, N. B.
Clay,	Johnson,	Stevens, J.
Cofer,	Kirtley,	Stockton,
Colyer,	Lackey,	Taylor,
Combs,	Latimer,	Thomas,
Craddock,	Loving,	Towles,
Crenshaw,	Marshall, C. A.	Triplett,
Cunningham,	Marshall, W. C.	Trussell,
Curd,	Mason,	Vance,
Curle,	McHenry,	Wakefield,
Davidson,	Miller,	Waring,
Draffin,	Morgan,	Watts,
Forman,	Park,	White,
Gabbert,	Perciful,	Woodson,
Goodson,	Raymon,	Wortham—73.
Graham,		

Those who voted in the negative were—

Messrs. Bruton,	Lair,	Smith, H. H.
Fletcher,	Marshall, W. N.	South,
Ford,	Mitchell,	Sprigg,
Goble,	Nance,	Thompson,
Hart,	Paris,	Watkins,
Haydon,	Smith, B.	Williams—19.
Hazlerigg,		

Mr. Johnson, from the committee on Education, to whom was referred the resolutions of the convention of the friends of Education, made the following report, viz:

The Committee of Education to whom were referred certain resolutions adopted by the "Convention of the Friends of Education," in relation to System of Common Schools in this State, beg leave to report:

The first resolution is in the following words: "*Resolved*, that this meeting approve of the Common School System of Education, as proposed by an act of the General Assembly of Kentucky, approved the 16th of February, 1838," and is considered to express an opinion favorable to all the details of the act to which reference is made. If this position be correct, it is already known to the House, that your Committee entertain an opinion different from that of the "Convention of the Friends of Education." We have already reported to the House a bill dispensing with the Superintendent of Common Schools—an officer whose duties are defined, and whose appointment is provided for, in said act. Your Committee still rely with confidence upon the facts and arguments upon which the report of that bill was predicated. They are the following:

The Superintendent of Common Schools was, by the act of 1838, made the President of the Board of Education, and was required to sign bonds; to make an annual report to the Legislature; to prepare suitable forms of reports from other agents; to give advice as to the government and management of schools; to apportion the School Fund among the districts; to ap-

point Commissioners for each county, and to receive their reports. This is a full statement of the duties enjoined upon him, and for its performance he receives an annual salary of $1,000 per annum. Three years have now nearly elapsed since the passage of the act, and it is presumed that suitable forms of reports have been devised and Commissioners for the counties appointed—it remains to be determined whether the importance of his other duties demands of the Legislature the continuance of his office. The duty of signing bonds, and ascertaining the amount to which each county would, from the number of children therein, be entitled—as it would not require more perhaps than one day's application of an ordinary skill in arithmetic—will not be further noticed. If then the interests of the system shall not be found to require the advice and annual report of the Superintendent, the whole foundation, upon which is built the necessity of this office, will then be swept from under the advocates of what we believe to be a useless and unnecessary waste of that fund which Kentucky has provided, not for salaried officers, but has dedicated, in compliance with a solemn and sacred duty, as a means of carrying the lights of education into the most obscure cottage in the Commonwealth.

The true sources of information upon which the Superintendent must rely for the great body of his annual report, are the reports of the county Commissioners, required by the act of 1838, to be made to the Board of Education. We propose that these reports shall be laid before the Legislature, at its annual sessions, and that the Committees of Education shall, after an examination of their contents, prepare reports presenting to the House a full view of the system, and containing suggestions calculated to cure existing defects, and to give a healthy action to the whole. The only objection which can arise to this proposed substitution of the action and deliberation of the House, in the place of the action and deliberation of the Superintendent, must originate in the belief that the Legislature cannot comprehend or regulate a system of its own creation. This, if true, is an insurmountable obstacle. But it cannot be believed that the Legislature of Kentucky, while it properly assumes the right of controlling commerce by its edicts; and prescribes the terms upon which the life and liberty of a citizen may be forfeited; while it corrects or changes the laws and the evidences of contracts, and governs our courts and protects our persons, will readily acknowledge its incapacity to comprehend the interests, or hesitate to assume the responsibility of extending its legislation over the narrow precints of the school house. Argument on such a subject approaches near to insult. It must be evident, if the proposed change be adopted, that the Committee of Education would neither have so laborious, nor difficult a task, as is now regularly imposed upon the Committee of Courts of Justice, or the Committee of Banks or Internal Improvements.

This, then, is our position. Let your Board of Education receive these reports, and lay them before the Legislature. Let them apportion the School Fund, and vest the annual surplus in good stocks; and let your Committee make an annual report. It may be asked, what we shall gain by this change? We will save an annual sum of $1,000; a sum which, however trifling it may appear, is $40.40 more than the whole amount received by the counties of Breathitt, Gallatin, Hancock, and Edmonson, under the present apportionment. In legislating for a system, which it is designed shall last as long as the State or the Union, the mind of the statesman is aston-

ished at the mighty results of economy, and the vast productions of compound interest. This insignificant sum, annually lost, together with the interest it would have produced in one century, amounts to upwards of $4,000,000. Economy is then not an idle virtue; and extravagance, assuming often the mask of a rational liberality, is now, as it ever has been, the greatest scourge of nations. But it is not this consideration alone, which has caused the recommendation of your Committee. We are friends to the Common School System, but not blind to the dangers that await it. Prejudices have arisen against it. Inequality of taxation necessarily results from forcing each district, whether rich or poor, to educate its own children. The rates are of course heaviest upon the poor, the lightest upon the rich districts. The people have not become acquainted with, and reconciled to taxation for the education of other people's children. The State is itself embarrassed, and the people will soon be burthened with an increase of fifty per cent. on the present rate of taxation. These are the dangers that beset the friends of Common School Education. Let them beware. If they rashly, by sending out an agent to lecture and encourage, shall force the system too soon upon the people, they will drive the vessel, which they govern, upon the breakers to swift, sure, final and utter destruction. Let it come silently, slowly, and benificently among the people. Let the poor man have time to see that he is blessed, and the rich to rejoice in bestowing the blessing. Let us have time to plant our standard, and gather round it our natural friends, the poor, the good, the educated. Be not impatient, a few years are but days in the lives of nations. Adopt our bill, and time will plant the system firm in Kentucky: reject it, and push onward, and within one year you will stand upon the ruins of the most glorious enterprise ever projected in Kentucky.

The second resolution referred to your Committee, recommends "that the fund set apart for the establishment and support of Common Schools should be preserved, protected, and increased: and that the payment of the interest due and to become due ought to be provided for." Your Committee FULLY concur in the opinion that this Fund should be "*preserved and protected*," as the only sure foundation on which can be based any system for the education of all the children of the Commonwealth. Indeed, we think that true policy would require of the Legislature an increase of this fund, in the event of the passage of a bill by the United States for the distribution of the proceeds of the sales of Public Lands. If, however, the "friends of Education" intended to recommend an increase of this fund by taxation, your Committee, unhesitatingly, condemn it as a policy evidently fatal and suicidal.

If it be true, that the fund should be preserved, it is evidently a correct deduction from that proposition, that provision should be made for the payment of so much of the interest of said fund, as may be requisite to pay such districts, as have or may adopt the system, the portions to which they may be entitled. The balance should be invested in profitable stocks as is now required by law.

Having thus expressed our opinions in relation to the interests embraced by System of Common Schools adopted in Kentucky, the House will permit us to express our astonishment at the efforts, now making, to brand, as opponents of education, those who recommend a policy calculated to husband and increase that sacred fund; and to laud, as philanthropists and statesmen, those who would desecrate it, not for the purpose of paying the honest debts of

Kentucky, but who wish to divert a portion of it from its legitimate object, the education of the poor, to furnish a salary for an unnecessary officer.

GEORE W. JOHNSON,
ROBT. H. PARIS,
GEO. W. CRADDOCK,
JAMES W. HAYS,
EDM. W. HAWKINS.

The undersigned dissent from so much of the reasoning and conclusion of this report, as recommends dispensing with the services of the Superintendent of Public Instruction.

THOMAS TOWLES, Jr.
W. F. BULLOCK.

Ordered, That the Public Printer forthwith print 150 copies of the said report for the use of the members of the General Assembly.

Mr. Woodson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Oldham county, praying to be added to the county of Trimble, and the petition of sundry citizens of Kenton county, praying to be added to the county of Boone—reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which was concurred in.

Mr. Thomasson asked leave to withdraw the petition of the citizens of Oldham county; which was granted, and the petition was withdrawn.

Mr. Reeves, from the committee on Claims, to whom was referred a bill for the adjustment of certain claims of Lud Fore against the Commonwealth of Kentucky—asked leave to be discharged from the further consideration thereof; which was granted.

Ordered, That said bill be referred to the committee for Courts of Justice.

Mr. Reeves, from the same committee, to whom was referred the petition of Thomas J. Brown—reported the same with the following resolution, viz:

Resolved, That said petition be rejected: which was concurred in.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate, and of the
House of Representatives:

I transmit to the Legislature the report of Austin P. Cox, who was appointed by me, in pursuance of the joint resolution, approved February 5, 1840, entitled "a resolution providing for the examination of the books of the late Receiver of Public Moneys west of the Tennessee river.

R. P. LETCHER.

January 28, 1841.

To his Excellency, Governor Letcher:

The undersigned, in pursuance of your appointment and directions, has made the examinations required by a resolution of the General Assembly of Kentucky, entitled "a resolution providing for the examination of the books of the late Receiver of Public Moneys west of the Tennessee river," approved February 5, 1840, and now respectfully submits the following report as the result of his labors.

The first entries in the Receiver's books were made on the 6th day of June, in the year 1825. He was allowed a salary of $300 per annum, to be paid out of the Public Treasury, and a commission of 3 per cent. upon amount of sales, provided the whole allowance thus made should not exceed the sum of $800 per annum. On the 25th of January, 1827, the Legislature reduced his salary to $200 per annum, and his commission to 2 per cent. upon amount of sales, provided the whole sum thus allowed should not exceed $500 per annum.

	Acres.	Dollars.
For the year ending 5th June, 1826, there was sold,	42,981	43,046 25
For the year ending 5th June, 1827, there was sold,	30,124	17,316 75
For the year ending 5th June, 1828, there was sold,	72,444 5/8	36,222 31¼
For the year ending 5th June, 1829, there was sold,	53,771¼	21,175 75
For the year ending 5th June, 1830, there was sold,	76,041 6/40	19,636 13¾
For the year ending 5th June, 1831, there was sold,	111,714 1/40	28,217 06¼
For the year ending 5th June, 1832, there was sold,	159,520 1/4 4/40	39,880 08¾
For the year ending 5th June, 1833, there was sold,	125,923 1/5	31,480 75
For the year ending 5th June, 1834, there was sold	150,992 7/8	37,748 21¾
From 6th June, 1834, to 15th January, 1835, when the proceeds of the sales of lands west of the Tennesse river were given to the counties where they lay, there was sold,	40,577¾	10,144 43¾
	864,000 9/40	284,867 75
The receiver is entitled to a commission, for the year ending 5th June, 1826, of this sum,	$500 00	
For the year ending 5th June, 1827, being at the rate of $500 per annum from 6th June to 5t h January, and $300 from 15th January to June,	428 20	
For the year ending 5th June, 1828,	300 00	
For the year ending 5th June, 1829,	300 00	
For the year ending 5th June, 1830,	300 00	
Amounts carried forward,	$1,828 20	$284,867 75

Amounts brought forward, - -	$1,828 40	$284,867 75
For the year ending 5th June, 1831, - -	300 00	
For the year ending 5th June, 1832, - -	300 00	
For the year ending 5th June, 1833, - -	300 00	
For the year ending 5th June, 1834, - -	300 00	
From 6th June, 1834, to 25th January, 1835, -	183 29	
		3,211 50
		281,656 25
The Receiver has paid of the above, into the Public Treasury, as appears from his settlements with the Auditor of Public Accounts, - - - - - -		281,611 73
Balance due from Receiver, - - - - -		44 52

Subsequent to the 15th of January, 1835, when the proceeds of the sales of the lands were given to the four counties west of the Tennessee river, the sales were as follows:

	Acres.	Dollars.
From 15th January to 5th June, 1835, there was sold, - - - - -	210,497¼	26,766 01
For the year ending 5th June, 1836, there was sold, - - - - -	142,941¼	17,867 70
For the year ending 5th June, 1837, there was sold, - - - - -	121,609	15,201 11½
For the year ending 5th June, 1838, there was sold, - - - - -	5,800½	725 05½
For the year ending 5th June, 1839, there was sold, - - - - -	4,400	550 00
From 6th June to 30th November, 1839, when the Receiver's office was closed, there was sold, - - - - -	12,723½	1,590 45¾
	497,971½	62,700 33¾

The Receiver is entitled to a commission, from 15th January to 5th June, 1835, of this sum, - -	$116 71	
For the year ending 5th June, 1836, - -	300 00	
For the year ending 5th June, 1837, - -	300 00	
For the year ending 5th June, 1838, - -	14 50	
For the year ending 5th June, 1839, - -	11 00	
From 6th June to 30th November, 1839, -	31 80	
		774 01
Net proceeds to be divided between the counties west of the Tennessee river, - - - - - -		$61,926 32¾

RECAPITULATION.

The entire sale of lands west of the Tennessee river, by the Receiver, as shown by his books, is as follows:

	Acres.	Dollars.
At the price of $5 31¼ per acre,	36	191 25
At the price of $1 per acre,	47,364½	47,364 50
At the price of 50 cents per acre,	132,648 1/4 1/0	66,324 13¾
At the price of 25 cents per acre,	687,582 1/4 3/0	171,895 61¼
At the price of 12½ cents per acre,	494,340 2/4 3/0	61,792 58¾
	1,361,971 3/4 7/0	347,568 08¾

Of the foregoing there was sold previous to 15th January, 1835, when the proceeds of the sales of the lands were given to the counties below the Tennessee river, as follows, viz:

	Acres.	Dollars.
At the price of $5 31¼ per acre,	36	191 25
At the price of $1 per acre,	47,364½	47,364 50
At the price of 50 cents per acre,	132,648 1/4 1/0	66,324 13¾
At the price of 25 cents per acre,	683,951 1/4 3/0	170,987 86¼
	864,000 9/4 0/0	284,867 75

There was subsequently sold as follows:

At the price of 25 cents per acre,	3,631	907 75
At the price of 12½ cents per acre,	494,340 2/4 3/0	61,792 58¾
	497,971 2/4 3/0	62,700 33¾

The Books of the Receiver present a reasonably fair appearance up to the year 1836–'7. After this period there are numerous erasures of the names of persons entering lands. Sometimes entire pages of names, or nearly so, are scratched out and others written in their stead. In other instances the names are erased, and the sections, or parts of sections, intended to be entered by them, appear unlocated. I found thirty two entries, making an aggregate of 16,800 acres, carried regularly from the Journal to the Leger, to the credit of the townships in which they were situated, erased from both Journal and Leger—the land now stands unlocated. There is another entry, in the name of Luke Deas, made 11th of April, 1835, for a quarter section of land, where the price ($20) is carried to the Leger, and stands fair there now, but a pen has been run across the entry in the Journal, and the price omitted in summing up the page. The entries here noticed were all made since the proceeds of the sales of those lands were given to the counties west of the Tennessee river. I dont deem any thing else necessary to be noticed under the resolution requiring "the condition of the Receiver's books" to be stated.

AUSTIN P. COX.

January 28, 1841.

Ordered, That said message be referred to the committee for Courts of Justice; and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the administrator and heirs of John W. Lowry, deceased.

An act for the benefit of S. H. Chew, Jr. and others.

An act for the benefit of the mechanics of the town of Smithland.

An act to divorce Harriet Bennett.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act to change the mode of paying the Commissioners of Common Schools in Wayne county.

An act for the benefit of John S. Fisher.

An act for the benefit of Robert Pace and Levi Pennington.

An act to amend and reduce into one the several acts concerning the fire company in the town of Shelbyville.

An act for the benefit of the Kentucky Baptist Education Society.

An act to add a part of the county of Perry to the county of Harlan.

An act for the benefit of the Estill Seminary.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill for the benefit of Jacob Weddington, Sr. and Jacob Weddington, Jr.

By same—2. A bill to prevent injury to turnpike roads.

By same—3. A bill to amend an act establishing a State road from the mouth of Salt river (by way of Grahampton and Big Spring) to intersect the Bowlinggreen road, approved January 13, 1840.

By the committee on Education—4. A bill to amend an act establishing a system of common schools in Kentucky.

By the committee on Claims—5. A bill for the benefit of Peter Jett.

By same—6. A bill for the benefit of John Hockersmith.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the 5th) having been dispensed with, the 1st, 3d and 4th were ordered to be engrossed and read a third time; the 2d was referred to the committee for Courts of Justice; and the 6th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the

RECAPITULATION.

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	Acres.	Dollars.
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AUSTIN P. COX.

January 28, 1841.

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An act to divorce Harriet Bennett.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

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An act to amend and reduce into one the several acts concerning the fire company in the town of Shelbyville.

An act for the benefit of the Kentucky Baptist Education Society.

An act to add a part of the county of Perry to the county of Harlan.

An act for the benefit of the Estill Seminary.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill for the benefit of Jacob Weddington, Sr. and Jacob Weddington, Jr.

By same—2. A bill to prevent injury to turnpike roads.

By same—3. A bill to amend an act establishing a State road from the mouth of Salt river (by way of Grahampton and Big Spring) to intersect the Bowlinggreen road, approved January 13, 1840.

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By the committee on Claims—5. A bill for the benefit of Peter Jett.

By same—6. A bill for the benefit of John Hockersmith.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the 5th) having been dispensed with, the 1st, 3d and 4th were ordered to be engrossed and read a third time; the 2d was referred to the committee for Courts of Justice; and the 6th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the

1st, 3d and 4th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Woodson, from the committee on Propositions and Grievances—reported a bill to add a part of the county of Franklin to the county of Anderson.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with,

On motion,

Ordered, That said bill be re-committed to the committee on Propositions and Grievances.

1. Mr. Ford presented the petition of the heirs of Solomon Simpson, deceased, praying the passage of a law authorizing the sale of the negroes and real estate of said decedent.

2. Mr. Skiles presented the petition of sundry citizens of Warren county, praying that the Secretary of State be compelled to give to them a copy of certain letters on file in the Secretary's office, whenever demanded; and that a law may be passed compelling the Secretary to furnish to any person who is calumniated in any official paper, a copy thereof.

3. Mr. Paris presented the petition of Wilkins Derington, praying for a change of venue.

Which were received, the reading thereof dispensed with, and referred: the 1st and 3d to the committee for Courts of Justice; and the 2d to the committee on Propositions and Grievances.

Mr. Forman moved the following resolution, viz:

Resolved, That the Board of Internal Improvement report to this House the amount that will be required to finish each lock and dam, separately, upon the several rivers, now in progress in this Commonwealth.

Which was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Kirtley—1. A bill for the benefit of the Clerk of the county of Edmonson.

On the motion of Mr. Innes—2. A bill to change the time of holding the courts in the second Judicial district.

On the motion of Mr. Shuck—3. A bill for the benefit of the administrator and heirs of Benjamin Lancaster, dec'd.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st; Messrs. Innes, Goodson, Thomas, Latimer, Hart and Newell the 2d; and Messrs. Shuck, Riffe and J. P. Hardin the 3d.

The Speaker laid before the House a report from the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 28, 1841.

SIR:

I have the honor to transmit to the House of Representatives the report of the Board of Internal Improvement, in answer to their resolution of the 25th inst.

Very respectfully, &c.

JAS. T. MOREHEAD.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 28, 1841.

The Board of Internal Improvement, in answer to the resolution of the House of Representatives of the 25th instant, make the following report:

That a report made by the Board to the House of Representatives, in answer to a resolution of the House of the 16th of December, 1839, contains all the information which the Board have it in their power to communicate on the subject of the present resolution. Supposing that the reasons then assigned are easily accessible to the House, they have thought it sufficient, after a conference with the mover of the resolution to which this report is an answer, to refer the House to the report of the Board contained in the Journal 1839–'40, page 99. The resolution of the 16th December, 1839, alluded to, requested the Board to inform the House how much money had been applied to the improvement of the Cumberland river, and whether the amount disbursed had been equal to the amount appropriated by the Legislature at the session of 1836–7, so as to secure a safe descending navigation thereof; if not, the reasons why the disbursement had not been made. The law of the last session, entitled, "an act to provide for the payment of the public contractors, and to preserve the faith of the State," made no appropriation to the Cumberland river, and the Board have in consequence suspended the operations which had been commenced on that river.

The following extracts from the various laws appropriating money for the improvement of the navigation of the Cumberland river, contain all the information that the Board have it in their power to furnish, relating to the first branch of the resolution.

See session acts 1834–5, page 287, part of the 6th section—"To Cumberland river, from the mouth of Laurel creek, in Whitley county, to the Tennessee line, *thirty thousand dollars.*" "Provided, further, that the Board of Internal Improvement hereby constituted, shall (if the United States Engineer who surveyed the Cumberland river last year, has, or does report the practicability and utility of improving said stream,) approve and adopt said survey, and the sum hereby appropriated to said river shall be expended without any other survey being made; and if said United States Engineer has or does not report favorable, the State Engineer shall survey said stream, and when he reports the practicability and utility of improving said stream,

and said report shall be approved by the Board of Internal Improvement and the Legislature, then the sum hereby appropriated shall be expended."

See session acts 1835-6, page 533, section 21—"That the sum of *forty thousand dollars* be appropriated out of the proceeds of the sale of the scrip of the State, to be applied under the direction of the said Board, to the improvement of Cumberland river, from the mouth of Laurel creek to the Tennessee line." Part of section 16, page 531—"Provided, that the specific appropriations made by this act for the improvement of streams and rivers, are intended to include the appropriations to the same objects by the act of 1835, and not as additional thereto, unless where they are expressly declared by this act to be additional."

See session acts 1836-7, pages 342 and 343, part of 16th section—"That the Board of Internal Improvement shall have authority to put under contract, not exceeding four locks and dams on the Cumberland river, at Smith's shoals, with a view of making slackwater navigation on the Cumberland river, over said shoals, if, in the opinion of the Board of Internal Improvement, it is expedient and proper, at this time, to put said locks and dams under contract, and make slackwater navigation over said shoals; and, for that purpose, if the locks and dams, or any of them, shall be put under contract, the sum of *one hundred thousand dollars* is appropriated; but if the Board shall be of opinion that it is not expedient and proper, at this time, to put said locks and dams under contract, and make slackwater navigation over said shoals, and shall be of opinion that said shoals and the river above the falls can be beneficially improved for down river navigation, by the expenditure of the *forty thousand dollars* heretofore appropriated, they shall be, and are hereby, authorized to expend said sum of forty thousand dollars, or so much thereof as may be necessary to the improvement of the down river navigation of said shoals, and the river above to the falls, and make the improvement in such manner as the Board shall think right."

All which is respectfully submitted.

J. T. MOREHEAD,
SAM'L DAVIESS,
THOMAS METCALFE,
FINIS E. McLEAN.

Ordered, That said report be referred to the committee on Internal Improvement.

The House then again, according to order, resolved itself into a committee of the whole, on the bill to increase the revenue, and for other purposes—Mr. Ford in the chair—and after some time spent therein, the Speaker resumed the chair; when Mr. Ford reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted an amendment thereto; which he handed in at the Clerk's table.

The said amendment was then twice read, and concurred in.

Mr. A. Harding then moved to amend said bill, by striking out the words "fifteen cents," and inserting in lieu thereof, the words "twelve and a half cents."

Mr. Cunningham called for a division of the question.

The question was first taken on striking out "fifteen cents," and decided in the negative.

The yeas and nays being required thereon, by Messrs. Haggard and Lair were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Haydon,	Shaw,
Bruton,	Hazlerigg,	Shuck,
Bush,	Howard,	Smith, H. H.
Caldwell,	Imboden,	South,
Chenault,	Lackey,	Stephens, N. B.
Combs,	Lair,	Stevens, J.
Fletcher,	Marshall, W. N.	Taylor,
Ford,	Nance,	Thomasson
Goble,	Paris,	Wakefield,
Graham,	Perciful,	Watkins,
Haggard,	Riffe,	Watts,
Harding,	Rowlett,	Williams,
Harrison,	Shanks,	Wortham—40.
Hawkins,		

Those who voted in the negative were—

Mr. Speaker,	Forman,	Park,
Messrs. Adams,	Gabbert,	Raymon,
Atkinson,	Goodson,	Reeves,
Botts,	Gray,	Rudd,
Brent,	Hardin,	Skiles,
Buckner,	Hart,	Snyder,
Bullock,	Hays,	Speed,
Calhoon,	Innes,	Sprigg,
Chilton,	Johnson,	Stockton,
Clay,	Kirtley,	Thomas,
Cofer,	Latimer,	Thompson,
Colyer,	Loving,	Towles,
Craddock,	Marshall, C. A.	Triplett,
Crenshaw,	Marshall, W. C.	Trussell,
Cunningham,	Mason,	Vance,
Curd,	McHenry,	Waring,
Curle,	Miller,	White,
Davidson,	Mitchell,	Woodson—56.
Draffin,	Morgan,	

Mr. Hays then moved to amend said bill, by adding thereto the following section, viz:

Be it further enacted, That this act shall expire at the end of two years from and after its passage; and then the tax shall be ten cents on the hundred dollars, as is now prescribed by law; any thing contained in this act to the contrary notwithstanding.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rowlett and Gray, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Harding,	Riffe,
Bruton,	Harrison,	Rowlett,
Bush,	Hart,	Shanks,
Caldwell,	Hawkins,	Shaw,
Calhoon,	Haydon,	Shuck,
Chenault,	Hays,	Smith, H. H.
Chilton,	Hazlerigg,	South,
Cofer,	Howard,	Sprigg,
Combs,	Imboden,	Stephens, N. B.
Craddock,	Johnson,	Stevens, J.
Curd,	Kirtley,	Taylor,
Fletcher,	Lackey,	Thomasson,
Ford,	Lair,	Wakefield,
Gabbert,	Marshall, W. N.	Waring,
Goble,	Mitchell,	Watkins,
Goodson,	Nance,	Watts,
Graham,	Paris,	White,
Gray,	Perciful,	Wortham—56.
Haggard,	Reeves,	

Those who voted in the negative were—

Mr. Speaker,	Forman,	Rudd,
Messrs. Adams,	Hardin,	Skiles,
Atkinson,	Innes,	Snyder,
Botts,	Latimer,	Speed,
Brent,	Loving,	Stockton,
Buckner,	Marshall, C. A.	Thomas,
Bullock,	Marshall, W. C.	Thompson,
Clay,	Mason,	Towles,
Colyer,	McHenry,	Triplett,
Crenshaw,	Miller,	Trussell,
Cunningham,	Morgan,	Vance,
Curle,	Park,	Williams,
Davidson,	Raymon,	Woodson—40.
Draffin,		

Mr. Sprigg then moved an amendment to said bill.

And then the House adjourned.

FRIDAY, JANUARY 29, 1841.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled,

An act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.

That they had passed bills from this House, of the following titles, viz:

An act to alter the mode of comparing the polls in the election of certain officers.

An act for the benefit of Susan Summers.

An act to divorce Fanny Robeleer, and to change her name.

That they had passed bills of the following titles, viz:

An act to change the time of holding the Campbell County Courts, and for other purposes.

An act granting a change of venue to James S. McCauley.

An act to establish an election precinct in the county of Carter.

1. Mr. Waring presented the petition of sundry citizens of Greenup county, praying a repeal of all laws authorizing the grant of license to retail spirituous liquors.

2. Mr. Ford presented the petition of Mary Edrington, praying to be divorced from her husband, John Edrington.

3. Mr. Hays presented the petition of sundry citizens of Hardin county, praying the establishment of an election precinct in said county, or a change in the place of voting in an election precinct therein.

4. Mr. Cofer presented the remonstrance of sundry citizens of Hardin county, against a proposed change in the place of voting in an election precinct in said county.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred: the 1st and 2d to the committee on Religion; and the 3d and 4th to Messrs. Hays, Cofer and Gray.

A bill to incorporate the Munfordville Bridge Company—was read a second time.

Ordered, That said bill be referred to the committee on Internal Improvement.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred a bill further to regulate the Madison turnpike and Wilderness road—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ford, from the committee on Religion, to whom was referred the petition of Elizabeth Merit—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Paris moved to amend said resolution by striking out the words "be rejected," and insert "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance to said petition.

Mr. N. B. Stephens, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Grand Lodge of Kentucky,

An act to establish the Lexington Cemetery.

An act to change the time of holding the Knox County Court, and for other purposes.

An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell county.

An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray.

An act for the benefit of the Sheriff of Calloway county.

And bills which originated in this House, of the following titles, viz:

An act allowing an additional Constable in the county of Bullitt.

An act for the benefit of Wm. Simpson.

An act to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church.

An act to incorporate the shareholders of the Carrolton Library Company in the town of Carrolton, Carroll county.

An act for the benefit of Mrs. Miram Wilson.

An act for the benefit of the town of Lancaster.

An act concerning the town of Mountsterling.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to Leonard Seay's, Jr.

An act to amend and revive the law in relation to the election of Trustees for the town of Stanford, Lincoln county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

Mr. Ford, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Western Bap-

tist Theological Institute, at or near Covington, Kentucky, approved Feb'y 5, 1840.

An act for the divorce of Albert G. Young, and Catharine N. Young, his wife.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz :

By the committee for Courts of Justice—1. A bill to extend the Constables' districts in the town of Bradfordville, Marion county, and the town of Richmond, in Madison county.

By same—2. A bill to amend the charter of the Bardstown and Springfield Turnpike Road Company.

By same—3. A bill to amend an act, entitled, an act to amend the charter of the Cumberland College, and for other purposes, approved February 16, 1838.

By same—4. A bill to legalize the proceedings of the Garrard County Court, and for other purposes.

By same—5. A bill to amend and reduce into one the several acts to ascertain the boundaries and for processioning land.

By the committee on Religion—6. A bill for the benefit of Christiana Boothe.

By same—7. A bill for the divorce of Elizabeth Bacchus.

By same—8. A bill for the benefit of Mary Isbell.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 6th, 7th and 8th were severally ordered to be engrossed and read a third time ; and the 5th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 6th, 7th and 8th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. A. Harding, from the committee for Courts of Justice—reported a bill to equalize the labors of the Judges in certain Judicial districts.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Lair moved an amendment to said bill.

Ordered, That said bill and amendment be referred to the committee for Courts of Justice.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill dispensing with the Board of Internal Improvement, and for other purposes—reported the same without amendment.

Mr. Calhoon then moved an amendment to said bill.

Mr. Clay then moved the following resolution, viz:

Resolved, That said bill be committed to the committee on Internal Improvement, with instructions to report the same in all its main features, with such amendments as will make it in consonance with the present laws.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House again resumed the consideration of the bill to increase the revenue, and for other purposes.

The amendment proposed by Mr. Sprigg on yesterday, reads as follows:

SEC. —. *Be it further enacted*, That from and after the passage of this act, the moneys, stocks, credits and property, now belonging to or appertaining to the Sinking Fund, or which may hereafter compose a part of said fund, shall be vested in the Governor and the President and Directors of the Bank of the Commonwealth of Kentucky, whose duties and powers over said Fund shall be such as are now prescribed and defined by existing laws, with the exceptions hereinafter stated; and, to that end, it shall be the duty of the Commissioners of the Sinking Fund, and their secretary or agents, to hand over to the President and Directors of the Bank of the Commonwealth of Kentucky all the books, papers and credits in their charge, relative to the Sinking Fund, and finally and fully to adjust their accounts with the said President and Directors of said Bank.

SEC. —. *Be it further enacted*, That the fourth section of the act, entitled, "an act to increase the resources of the Sinking Fund," approved Feb. 13, 1838, is hereby repealed; and hereafter, the said Governor, President and Directors, as Commissioners of the Sinking Fund, shall exercise their best discretion in the purchase of stocks, and in the transferring of funds to those places where the interest on Internal Improvement Bonds is demandable of the State by the holders thereof.

SEC. —. *Be it further enacted*, That the dividends which may be declared upon stock now held by the Commissioners of the Sinking Fund in the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, and which stock has been, or may hereafter be, transferred to the Commissioners of the Sinking Fund at either of the agencies of said Banks in the cities of New York and Philadelphia, shall be placed to the credit of and subject to the drafts of the Commissioners of the Sinking Fund hereby created, at the several agencies aforesaid, where stocks in said Banks have been, or may hereafter be transferred to the Commissioners of the Sinking Fund; and in all cases where the Commissioners of the Sinking Fund have a right, by the charters and rules and by-laws of said Banks, to demand the payment of dividends declared upon Bank stock, held by them in either of said Banks, to be paid at the several agencies of said Banks in said cities.

SEC. —. *Be it further enacted*, That before entering upon the discharge of the duties hereby assigned to the Governor and the President and Directors of the Bank of the Commonwealth of Kentucky, the bond now required of the President aforesaid, as presiding officer of the Bank of the Commonwealth, shall contain a provision which shall bind him also to the faithful discharge of his duties as Commissioner of the Sinking Fund; and the Directors shall each enter into a bond to the Commonwealth, with sufficient security, to be approved of by the Governor, in the penalty of ten thousand dollars each, conditioned for the faithful performance of their duties, and the accounting for all such sums of money as shall be received by them, from time to time, by virtue of their said commission as Commissioners of the Sinking Fund; upon which bonds suit or suits may be brought, for breach thereof, by the Auditor of the State in the General Court of the State; and that said bonds shall be filed with the First Auditor of Public Accounts.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Haggard,	Shaw,
Bruton,	Haydon,	Shuck,
Bush,	Hazlerigg,	Smith, H. H.
Caldwell,	Howard,	South,
Calhoon,	Imboden,	Sprigg,
Chenault,	Lackey,	Stephens, N. B.
Chilton,	Lair,	Stevens, J.
Combs,	Marshall, W. N.	Taylor,
Fletcher,	Mason,	Thomasson,
Ford,	Mitchell,	Wakefield,
Gabbert,	Paris,	Watkins,
Goble,	Perciful,	Williams,
Graham,	Riffe,	Wortham—41.
Gray,	Rowlett,	

Those who voted in the negative were—

Mr. Speaker,	Harding,	Raymon,
Messrs. Adams,	Hardin,	Reeves,
Atkinson,	Harrison,	Rudd,
Botts,	Hart,	Shanks,
Brent,	Hawkins,	Skiles,
Buckner,	Hays,	Snyder,
Bullock,	Innes,	Speed,
Clay,	Johnson,	Stockton,
Cofer,	Kirtley,	Thomas,
Colyer,	Latimer,	Thompson,
Craddock,	Loving,	Towles,

Crenshaw,	Marshall, C. A.	Triplett,
Cunningham,	Marshall, W. C.	Trussell,
Curd,	McHenry,	Vance,
Curle,	Miller,	Waring,
Davidson,	Morgan,	Watts,
Draffin,	Nance,	White,
Forman,	Park,	Woodson—55.
Goodson,		

Mr. White then moved a re-consideration of the vote adopting the amendment proposed by Mr. Hays on yesterday.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Calhoon and Hays, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Draffin,	Rudd,
Messrs. Adams,	Forman,	Skiles,
Atkinson,	Innis,	Snyder,
Botts,	Latimer,	Speed,
Brent,	Loving,	Sprigg,
Buckner,	Marshall, C. A.	Stephens, N. B.
Bullock,	Marshall, W. C.	Stockton,
Clay,	Marshall, W. N.	Thomas,
Colyer,	Mason,	Thompson,
Crenshaw,	Miller,	Triplett,
Cunningham,	Morgan,	Trussell,
Curd,	Newell,	Vance,
Curle,	Park,	White,
Davidson,	Raymon,	Woodson—42.

Those who voted in the negative were—

Messrs. Brien,	Hardin,	Reeves,
Bruton,	Harrison,	Riffe,
Bush,	Hart,	Rowlett,
Caldwell,	Hawkins,	Shanks,
Calhoon,	Haydon,	Shaw,
Chenault,	Hays,	Shuck,
Chilton,	Hazlerigg,	Smith, H. H.
Cofer,	Howard,	South,
Combs,	Imboden,	Stevens, J.
Craddock,	Johnson,	Taylor,
Fletcher,	Kirtley,	Thomasson,
Ford,	Lackey,	Towles,
Gabbert,	Lair,	Wakefield,
Goble,	McHenry,	Waring,
Goodson,	Mitchell,	Watkins,
Graham,	Nance,	Watts,
Gray,	Paris,	Williams,
Haggard,	Perciful,	Wortham—55.
Harding,		

Mr. Cunningham then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Haggard and Colyer, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Goble,	Park,
Messrs. Adams,	Graham,	Perciful,
Atkinson,	Gray,	Raymon,
Botts,	Harding,	Reeves,
Buckner,	Hardin,	Riffe,
Bullock,	Harrison,	Rudd,
Calhoon,	Hart,	Shanks,
Chilton,	Hawkins,	Shuck,
Clay,	Hays,	Snyder,
Cofer,	Innes,	Stockton,
Colyer,	Johnson,	Thompson,
Combs,	Kirtley,	Towles,
Craddock,	Latimer,	Trussell,
Crenshaw,	Loving,	Vance,
Cunningham,	Marshall, C. A.	Wakefield,
Curd,	Marshall, W. C.	Waring,
Curle,	Mason,	Watkins,
Draffin,	McHenry,	White,
Forman,	Miller,	Woodson—59.
Gabbert,	Morgan,	

Those who voted in the negative were—

Messrs. Brent,	Howard,	South,
Brien,	Imboden,	Speed,
Bruton,	Lackey,	Sprigg,
Bush,	Lair,	Stephens, N. B.
Caldwell,	Marshall, W. N.	Stevens, J.
Chenault,	Mitchell,	Taylor,
Davidson,	Nance,	Thomas,
Fletcher,	Newell,	Thomasson,
Ford,	Paris,	Triplett,
Goodson,	Rowlett,	Watts,
Haggard,	Shaw,	Williams,
Haydon,	Skiles,	Wortham—38.
Hazlerigg,	Smith, H. H.	

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Nance and Brien, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Park,
Messrs. Adams,	Gray,	Raymon,
Atkinson,	Hardin,	Reeves,
Botts,	Harrison,	Rudd,
Brent,	Hart,	Skiles,
Bruton,	Hawkins,	Smith, H. H.
Buckner,	Haydon,	Snyder,
Bullock,	Hays,	Speed,
Calhoon,	Innes,	Sprigg,
Chilton,	Johnson,	Stockton,
Clay,	Kirtley,	Thompson,
Cofer,	Latimer,	Towles,
Colyer,	Loving,	Triplett,
Craddock,	Marshall, C. A.	Trussell,
Crenshaw,	Marshall, W. C.	Vance,
Cunningham,	Mason,	Waring,
Curd,	McHenry,	Watts,
Curle,	Miller,	White,
Davidson,	Mitchell,	Woodson—59.
Forman,	Morgan,	

Those who voted in the negative were—

Messrs. Brien,	Hazlerigg,	Shaw,
Bush,	Howard,	Shuck,
Caldwell,	Imboden,	South,
Chenault,	Lackey,	Stephens, N. B.
Combs,	Lair,	Stevens, J.
Draffin,	Marshall, W. N.	Taylor,
Fletcher,	Nance,	Thomas,
Ford,	Newell,	Thomasson,
Goble,	Paris,	Wakefield,
Goodson,	Perciful,	Watkins,
Graham,	Riffe,	Williams,
Haggard,	Rowlett,	Wortham—38.
Harding,	Shanks,	

Mr. McHenry then moved that the said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The bill was then read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Lair and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Morgan,
Messrs. Adams,	Gray,	Park,
Atkinson,	Hardin,	Raymon,
Botts,	Harrison,	Reeves,
Brent,	Hart,	Rudd,
Bruton,	Hawkins,	Skiles,
Buckner,	Haydon,	Smith, H. H.
Bullock,	Hays,	Snyder,
Calhoon,	Innes,	Speed,
Chilton,	Johnson,	Stockton,
Clay,	Kirtley,	Thompson,
Cofer,	Latimer,	Towles,
Colyer,	Loving,	Triplett,
Craddock,	Marshall, C. A.	Trussell,
Crenshaw,	Marshall, W. C.	Vance,
Cunningham,	Mason,	Waring,
Curd,	McHenry,	Watts,
Curle,	Miller,	White,
Davidson,	Mitchell,	Woodson—58.
Forman,		

Those who voted in the negative were—

Messrs. Brien,	Hazlerigg,	Shaw,
Bush,	Howard,	Shuck,
Caldwell,	Imboden,	South,
Chenault,	Lackey,	Sprigg,
Combs,	Lair,	Stephens, N. B.
Draffin,	Marshall, W. N.	Stevens, J.
Fletcher,	Nance,	Taylor,
Ford,	Newell,	Thomas,
Goble,	Paris,	Thomasson
Goodson,	Perciful,	Wakefield,
Graham,	Riffe,	Watkins,
Haggard,	Rowlett,	Williams,
Harding,	Shanks,	Wortham—39.

Resolved, That the title of said bill be amended to read as follows:

An act to increase the resources of the Sinking Fund, and for other purposes.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of the mechanics of the town of Smithland.

An act to divorce Harriet Bennett.

An act for the benefit of S. H. Chew, Jr. and others.

An act for the benefit of the administrator and heirs of John W. Lowry, deceased. Approved January 28, 1841.

Mr. Paris presented the petition of sundry citizens of Allen county, praying that the time of holding the County Court of said county may be changed.

Which was received, the reading thereof dispensed with, and referred to Messrs. Paris, Lackey and Loving.

A bill from the Senate, entitled, an act for the benefit of Pleasant Sandidge, late Sheriff of Green county,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, it was referred to the committee on Ways and Means.

Mr. Goble, from the select committee appointed to prepare and bring in the same—reported a bill for the benefit of the Sheriff of Carter county.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Haggard—1. A bill for the benefit of Ambrose S. Kirtley, of the county of Edmonson.

On the motion of Mr. Johnson—2. A bill for the benefit of Lydia Riley.

On the motion of Mr. Hays—3. A bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and for other purposes.

On the motion of Mr. Riffe—4. A bill to amend the law providing the mode of compensating owners of mills injured by slackwater navigation.

On the motion of Mr. Rudd—5. A bill prohibiting the sale of lottery tickets or the keeping of lottery offices within the city of Louisville.

On the motion of Mr. Towles—6. A bill to reduce the number of Trustees of the Henderson Academy.

On the motion of same—7. A bill for the benefit of the Sheriff of Henderson county.

On the motion of Mr. Atkinson—8. A bill to reduce the number of Trustees of the Russellville Male Academy.

Ordered, That the committee on Claims prepare and bring in the 1st; the committee for Courts of Justice the 2d and 5th; Messrs. Hays, Cofer, Miller and Craddock the 3d; the committee on Internal Improvement the 4th; the committee on Education the 6th; Messrs. Towles, McHenry and Draffin the 7th; and Messrs. Atkinson, Davidson and Howard the 8th.

Mr. Clay moved the following resolution, viz:

Resolved, That the committee on Ways and Means report a bill, taxing

foreign Insurance Agencies upon their premiums of insurance, or otherwise, to the same extent that Insurance Companies in this State are taxed.

Which was adopted.

A message was received from the Senate, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of the heirs of Worden Pope and Frederick Geiger, deceased; which was granted, and the bill withdrawn.

And then the House adjourned.

SATURDAY, JANUARY 30, 1841.

A message was received from the Senate, announcing that they recede from their amendment to a bill from this House, entitled,

An act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts.

That they had disagreed to the amendment proposed by this House to a bill from the Senate, entitled,

An act concerning the record books of the County and Circuit Courts of Madison.

That they had concurred in the amendments proposed by this House to bills from the Senate of the following titles, viz:

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

An act to amend the law concerning the town of Hardinsburgh, and for other purposes.

An act to amend the law of last session relating to idiots and lunatics.

That they had passed bills from this House of the following titles, viz:

An act to incorporate and establish the Marion County Agricultural Society.

An act for the benefit of the Sheriff of Henry county.

That they had passed bills of the following titles, viz:

An act concerning exceptions to depositions.

An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.

An act to authorize the purchase of a fire engine and hose for the protection of the property of the State at the seat of government.

An act to amend the law concerning awards.

An act for the benefit of the Clerks of the Hickman Circuit and County Courts.

That they had adopted a resolution to print the address on Agriculture, by the Hon. C. Allan.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the Kentucky Baptist Education Society.

An act to change the mode of paying the Commissioners of Common Schools in Wayne county.

An act to add a part of the county of Perry to the county of Harlan.

An act for the benefit of the Estill Seminary.

An act to amend and reduce into one the several acts concerning the fire company in the town of Shelbyville.

An act for the benefit of Robert Pace and Levi Pennington.

An act for the benefit of John S. Fisher.

Approved January 28, 1841.

An act to incorporate the Grand Lodge of Kentucky.

An act to establish the Lexington Cemetery.

Approved January 29, 1841.

1. Mr. Calhoon presented the petition of the members of the Methodist Episcopal Church of Hardinsburg, praying the passage of a law authorizing a sale of their church.

2. Mr. Buckner presented the memorial of the Vincennes Historical and Antiquarian Society, praying a donation of certain public documents of this State.

3. Also, the petition of Thomas D. Harris, praying to be divorced from his wife, Elizabeth Harris.

4. Mr. C. A. Marshall presented the petition of Alice A. Price, praying to be divorced from her husband, Robert Price.

Which petitions and memorial were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice; the 2d to the committee on Education; and the 3d and 4th to the committee on Religion.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill to reduce the number of the Justices of the Peace in Anderson county.

On the motion of Mr. W. C. Marshall—2. A bill to change the place of voting in the Germantown precinct in Bracken county.

On the motion of Mr. Haggard—3. A bill to amend an act, entitled, an act to appoint a Keeper of the Penitentiary, and for other purposes, approved Feb. 15, 1834.

On the motion of same—4. A bill for the benefit of Thomas Stockton, of the county of Clinton.

On the motion of Mr. Hawkins—5. A bill for the benefit of the Jailor of Gallatin county.

On the motion of Mr. Thomas—6. A bill to authorize the Judge of the Campbell Circuit Court to hold a special chancery term in the county of Campbell.

On the motion of Mr. Triplett—7. A bill for the benefit of the devisees of Wm. Mayo, and for other purposes.

On the motion of Mr. Morgan—8. A bill to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky.

On the motion of Mr. Mason—9. A bill for the benefit of Samuel G. Tillett.

On the motion of Mr. A. Harding—10. A bill to regulate the duty of warehouse keepers, and for other purposes.

On the motion of Mr. Innes—11. A bill for the benefit of the heirs of Joseph Endicott, dec'd.

On the motion of Mr. Chilton—12. A bill to change the time of holding the courts in the fourth Judicial district, and for other purposes.

On the motion of same—13. A bill to amend the law in relation to the inspection of tobacco in this Commonwealth.

On the motion of Mr. Watkins—14. A bill for the benefit of the Sheriff of Laurel county.

On the motion of Mr. Atkinson—15. A bill granting an additional Constable to the county of Logan.

On the motion of Mr. Davidson—16. A bill for the benefit of the Sheriffs of this State.

On the motion of Mr. Fletcher—17. A bill allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.

On the motion of Mr. Chenault—18. A bill to change the present mode of taking the lists of taxable property in this Commonwealth.

On the motion of Mr. Raymon—19. A bill for the benefit of the heirs of John Ritchey, dec'd.

On the motion of Mr. Taylor—20. A bill for the benefit of the widow and heirs of Wm. Ellis, dec'd.

On the motion of Mr. Lair—21. A bill for the benefit of Enoch Yantis, of the county of Russell.

On the motion of same—22. A bill to amend the law in relation to divorces.

On the motion of Mr. Mitchell—23. A bill to add an additional week to two of the terms of the Circuit Court of Washington county.

Ordered, That Messrs. Draffin, Adams and White prepare and bring in the 1st; Messrs. W. C. Marshall, C. A. Marshall and Forman the 2d; Messrs. Haggard, Clay, Towles, Paris, Lair, Mitchell, W. N. Marshall, Howard, Rowlett and Gabbert the 3d; Messrs. Haggard, Reeves, Brien and Haydon the 4th; the committee on Propositions and Grievances the 5th; Messrs. Thomas, Goble and Bullock the 6th; the committee for Courts of Justice the 7th, 11th, 13th, 19th, 20th and 23d; Messrs. Morgan, Brent, Speed and W. C. Marshall the 8th; the committee on Military Affairs the 9th; Messrs. A. Harding, W. N. Marshall, Crenshaw and Stockton the 10th; Messrs. Chilton, Taylor, Thomasson, Hawkins and N. B. Stephens the 12th; the committee on Ways and Means the 14th; Messrs. Atkinson, Davidson and Hammond the 15th; Messrs. Davidson, Atkinson and Harrison the 16th; Messrs. Fletcher, Brien and Ford the 17th; Messrs. Chenault, Graham, Johnson, Riffe and Shuck the 18th; Messrs. Lair, J. Stevens, Brien and Haggard the 21st; and Messrs. Lair, Ford, Haggard, Caldwell, J. Stevens, Brien and Fletcher the 22d.

Mr. Buckner, from the committee on the Sinking Fund, made the following report, viz:

Frankfort, January 29, 1841.

The Board of Internal Improvement have had submitted to them the following resolution of the House of Representatives:

REPORT FROM THE COMMITTEE ON THE SINKING FUND.

The Committee on the Sinking Fund, in obedience to a resolution of this House, instructing them "to inquire into the expediency of providing a fund for the extinguishment of the "State debt, and to prepare and report a table showing the accumulative capacity of such a "fund for any number of years up to thirty, and showing, also, the result of such a fund for-"borne for a given period and compounded at the same rate," beg leave to report that they have availed themselves of the services of Mr. M. R. Stealey, Resident Engineer upon the Kentucky river, in the preparation of a table, such as that required in the resolution, which is referred to as part hereof. As to the expediency and propriety of providing a fund for the extinguishment of the State debt they entertain no doubt, and the result shown, by the table referred to is, in their opinion, the strongest argument that can be used in its favor, and one which your Committee deem conclusive. By an inspection of the table it will manifestly appear that if the State owed $100,000 per annum as interest, and, instead of providing the means of payment, were to rely upon borrowing money to pay it, she will, at the end of thirty years, have increased her debt, by the payment of interest alone, $8,380,168; whereas, by providing an annuity of $100,000, and continuing and re-investing it for thirty years, at the end of that time the State would be prepared to pay off a debt of $8,380,168—by the first operation the State would lose, in interest, $5,380,168, and by the second she would save that sum, thus making a difference of $10,760,336. Need any man be asked which course would be the most prudent? But it may be objected that such a fund cannot be managed to advantage, and that it will be impossible to re-invest and compound it so as to realize the amount. By dealing in the bonds of our own and other States of undoubted credit, and in exchange when the fund will afford the means, your Committee believe these objections may be removed and the most favorable result stated be produced. All which is respectfully submitted.

JOHN H. McHENRY, *Chairman.*

Statement showing the accumulative capacity of $100,000, placed at compound interest of six per cent. per annum, for any number of years up to thirty, and also showing the amount of an annuity of $100,000, placed in a Sinking Fund and compounded at the same rate.

Number of Years.	TOTAL AMOUNT OF INTEREST ON EACH ANNUITY AT THE END OF ANY PERIOD OF YEARS IN THE MARGIN, FROM THE TIME OF THE FIRST PAYMENT.																											Aggregate am't of INTEREST for each year.	Aggregate am't of PRINCIPAL for each year.	Aggregate am't of PRINCIPAL AND INTEREST.	Number of Years.
	1st. ANNUITY.	2d.	3d.	4th.	5th.	6th.	7th.	8th.	9th.	10th.	11th.	12th.	13th.	14th.	15th.	16th.	17th.	18th.	19th.	20th.	21st.	22d.	23d.	24th	25th.	26th.	27th.	28th.	29th.	30th.				
30	474,349	441,839	411,169	382,234	354,939	329,187	304,893	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	102,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	5,380,168	3,000,000	8,380,168	30
29	441,839	411,169	382,234	354,939	329,187	304,893	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	4,905,819	2,900,000	7,805,819	29
28	411,169	382,234	354,939	329,187	304,893	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	4,463,980	2,800,000	7,263,980	28
27	382,234	354,939	329,187	304,893	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	4,052,811	2,700,000	6,752,811	27
26	354,939	329,187	304,893	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	3,670,577	2,600,000	6,270,577	26
25	329,187	304,893	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	3,315,638	2,500,000	5,815,638	25
24	304,893	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	2,986,451	2,400,000	5,386,451	24
23	281,975	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	2,681,558	2,300,000	4,981,558	23
22	260,354	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	88,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	2,399,583	2,200,000	4,599,583	22
21	239,956	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	2,139,229	2,100,000	4,239,229	21
20	220,714	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	1,899,273	2,000,000	3,899,273	20
19	202,560	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	1,678,559	1,900,000	3,578,559	19
18	185,434	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	1,475,999	1,800,000	3,275,999	18
17	169,277	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	1,290,565	1,700,000	2,990,565	17
16	154,035	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,121,288	1,600,000	2,721,288	16
15	139,656	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	967,253	1,500,000	2,467,253	15
14	126,090	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	827,597	1,400,000	2,227,597	14
13	113,293	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	701,507	1,300,000	2,001,507	13
12	101,220	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	588,214	1,200,000	1,788,214	12
11	89,830	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	486,994	1,100,000	1,586,994	11
10	79,085	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	397,164	1,000,000	1,397,164	10
9	68,947	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	318,079	900,000	1,218,079	9
8	59,385	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	249,132	800,000	1,049,132	8
7	50,363	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	189,747	700,000	889,741	7
6	41,852	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	139,384	600,000	739,384	6
5	33,823	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	97,532	500,000	597,532	5
4	26,247	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	63,709	400,000	463,709	4
3	19,102	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	37,462	300,000	337,462	3
2	12,360	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18,360	200,000	218,360	2
1	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	*6,000*	*100,000*	*106,000*	*1*

EXPLANATION OF THE TABLE.

The calculations are based upon the assumption that the several annual installments, of $100,000 each, are payable at the commencement of each year, and the interest at the end of each year, as numbered in the margin. The first installment, therefore, will amount to $106,000, principal and interest, at the end of the first year. At the commencement of the second year, the second installment is assumed to be paid, making the total amount to be put at interest for that year $206,000, the interest on which will be $12,360, and this added to the principal gives the accumulated amount, at the end of the year, $218,360. At the commencement of the third year the third installment is assumed to be paid in, making the total amount placed at interest for that year $318,360—interest, $19,102—accumulated amount at end of third year $337,462, and so on for the series.

The columns headed 1st, 2d, 3d, &c., show the interest on each annuity separately. The columns on the right show the aggregates of interest and principal and the sum of both, or the sum of the several accumulated amounts of interest on all the annuities (given separately in the horizontal lines) added to the whole amount of principal paid in, for any number of years in the margin, *from the time of the payment of the first installment.* Take, for example, ten years—the interest on the first installment or annuity is $79,085, on the second $68,947, &c. in the horizontal line. The aggregate amount of interest is carried out in the right hand column $397,164—the ten installments paid is $1,000,000, and the aggregate of principal and interest $1,397,164, and so on for any other period.

The column headed 1st annuity also exhibits the amount of compound interest accruing upon a single sum of $100,000, at six per cent., for any number of years in the marginal column, to which if is added the principal the result will show the aggregate amount. For example—the interest for six years is $41,852, to which add the principal, $100,000, and the sum is the accumulated amount, at the end of that period, $141,852. For twelve years the interest is $101,220, and the amount of principal and interest $201,220. For twenty four years—interest, $304,893, and principal and interest $404,893, &c. Any sum placed at compound interest at six per cent. will double itself in eleven years, ten months and twenty two days.

Should the amount of any greater or lesser sum or annuity be required, under the above conditions, it may be ascertained by direct proportion—for instance, $50,000 will produce one-half the amounts given as above, $200,000 double the amounts, &c. Reversing the proposition, the sum or annuity required to be invested for any number of years in the margin, so as to produce a given result, or aggregate fund, at the end of the period, may also be arrived at, in like manner, by direct proportion from the table.

To face pace 334 of H. R. Journal.

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Ordered, That the Public Printer forthwith print 5,000 copies of said report, for the use of the members of this House.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to amend and revive the law in relation to the election of Trustees for the town of Stanford, Lincoln county.

An act concerning the town of Mountsterling.

An act for the benefit of the town of Lancaster.

An act for the benefit of Mrs. Miram Wilson.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to Leonard Seay's, Jr.

An act allowing an additional Constable to the county of Bullitt.

An act for the benefit of Wm. Simpson.

An act to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church.

An act to incorporate the shareholders of the Carrolton Library Company in the town of Carrolton, Carroll county.

Approved January 29, 1841.

Bills from the Senate, of the following titles, viz:

1. An act granting a change of venue to James S. McCauley.

2. An act to change the time of holding the Campbell County Courts, and for other purposes.

3. An act to establish the fire department of the city of Louisville.

4. An act for the benefit of the widow and heirs of Jacob C. Butler, deceased.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 4th were referred to the committee for Courts of Justice; and the 2d and 3d were ordered to be read a third time.

The rule of the House, constitutional provision and third reading of the 2d and 3d bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the House the report of the Board of Internal Improvement, in response to the resolution of this House of the 28th instant, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, January 29, 1841.

The Board of Internal Improvement have had submitted to them the following resolution of the House of Representatives:

"*Resolved*, That the Board of Internal Improvement report to this House "the amount that will be required to finish *each* lock and dam *separately*, "upon the several rivers, now in progress in this Commonwealth."

In answer to which, they respecfully submit the following statement (marked 1.) In addition to the matters therein contained, the Board would suggest to the House of Representatives, that at each of the unfinished dams on the Kentucky river—that is to say, at Nos. 1 and 5—nearly all the materials for the completion of the works have been procured, and delivered at or near the respective sites; and that extensive preparations for carrying on the works have been made at the Licking, and the Green and Barren rivers.

J. T. MOREHEAD,
SAM'L DAVIESS,
THOMAS METCALFE,
FINIS E. McLEAN.

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

SCHEDULE No. 1.

A Statement showing the amount paid upon each lock and dam upon the Green and Barren, Kentucky and Licking rivers; the amount due for work done, including retained per centage; and the amount which will be required to pay for work yet to be done, to complete the navigation as far as the works are now under contract.

Green and Barren River Navigation.

	Amount paid.	Amount due.	Am't required to pay for work yet to be done to complete the contracts.
Lock and Dam No. 1,	$134,255 06	$8,954 67	$46,612 56
Lock and Dam No. 2,	85,861 59	.	4,000 00
Lock and Dam No. 3,	108,340 71	325 98	15,527 74
Lock and Dam No. 4,	105,268 12	7,255 73	22,693 53
Lock and Dam No. 1, in Barren river,	105,941 49	4,012 51	34,167 63
Lime, and contingencies, and superintendence,	121,298 57	2,798 68	3,600 00
Totals,	$660,965 54	$23,347 57	$126,601 86
See Note.		11,200 00	11,200 00
		$34,547 57	$115,401 86

Kentucky River Navigation.

	Amount paid.	Amount due.	Am't required to pay for work yet to be done, to complete the contracts.
Lock and Dam No. 1,	$135,190 00	$12,261 00	$43,947 00
Lock and Dam No. 2,	111,834 49	24,805 51	6,129 00
Lock and Dam No. 3,	110,677 76	10,157 24	7,171 00
Lock and Dam No. 4,	117,698 76	3,860 24	5,150 68
Lock and Dam No. 5,	88,310 00	6,329 00	23,016 00
Miscellaneous,	122,759 34	2,162 98	17,500 00
Totals,	$686,470 35	$59,575 97	$102,913 68

Licking River Navigation.

Lock and Dam No. 1,	$39,534 26	$919 12	$64,501 62
Lock and Dam No. 2,	37,540 32	1,210 94	57,903 74
Lock and Dam No. 3,	34,531 36	3,051 22	53,737 42
Lock and Dam No. 4,	32,103 05	2,331 98	62,218 00
Lock and Dam No. 5,	11,375 60	619 10	85,030 50
Clearing river banks, lime, sup. and con.	47,651 18		44,417 05
Locks Nos. 7 and 8,	6,900 00		
Totals,	$209,635 77	$8,132 36	$367,808 33

NOTE.—On page 10, of the report of the Resident Engineer, the value of work to be done upon the Green and Barren river navigation, exclusive of works for water power, is stated to be $123,001 80; and upon lock houses 3,600 00—making together, $126,001 80. On page 7, the amount put down for work to be done, includes an allowance for water power, and for this there is deducted $1,300, which makes the several items agree with the aggregate in page 10.

According to the report, the whole amount required to pay for work done and to be done, at the date of the estimate, was $149,949 37; and the amount paid, deducting $11,978 37, applied to the water power canal at dam No. 2, was $660,965 54; $11,200 of which was paid in orders on the Board of Internal Improvement, which are yet in the contractors hands and unpaid. This sum was added, in the response of the Board to the resolutions of the H. R. 18th instant, to the amount stated to be due for work done, and deducted from the amount of work yet to be done, or to be estimated, in order to exhibit the payments yet to be made by the Commissioners, to complete the navigation.

No provision is made for the construction of works for water power in the above estimates.

Ordered, That said report be referred to the committee on Ways and Means.

Mr. South read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 12th day of February, proximo, they will adjourn without day.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Paris—1. A bill to change the time of holding the Allen County Court.

By Mr. Draffin—2. A bill to explain an act, entitled, an act to repeal (in part) the several acts concerning the town of South Frankfort, and for other purposes, approved Jan. 4, 1841.

By same—3. A bill to consolidate and regulate certain lottery grants within this Commonwealth.

By Mr. Crenshaw—4. A bill for the relief of contractors on the Glasgow and Scottsville turnpike road.

By Mr. W. C. Marshall—5. A bill for the benefit of the Clerk of the Pendleton Circuit and County Courts.

By Mr. Graham—6. A bill for the benefit of Wm. A. Bowdown.

By Mr. Hazlerigg—7. A bill allowing an additional Justice of the Peace to Bath county, and for other purposes.

By same—8. A bill to amend and reduce into one the several acts relating to the Sandy road.

By Mr. Latimer—9. A bill further to provide for the appointment of Patrols in this Commonwealth.

By Mr. Thomas—10. A Bill to authorize the Judge of the fifth Judicial district to hold a special chancery term in the county of Campbell.

By Mr. Curle—11. A bill increasing the jurisdiction of Justices of the Peace.

By Mr. Waring—12. A bill to establish an election precinct in Greenup county, and for other purposes.

By same—13. A bill allowing D. & J. Trimble and John T. Woodrow to erect a forge dam across Little Sandy.

By Mr. Towles—14. A bill for the benefit of the Sheriff of Henderson county.

By Mr. Hays—15. A bill to establish an election precinct in Hardin county, and for other purposes.

By same—16. A bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and for other purposes.

By Mr. Craddock—17. A bill to amend the law in relation to pedlars, and for other purposes.

By Mr. Chilton—18. A bill to amend an act, entitled, an act for the benefit of the heirs of Wm. Taylor, dec'd., approved Feb. 1840.

By Mr. Bullock—19. A bill further to regulate the trial of appeal cases in the Jefferson County Court.

By Mr. Rudd—20. A bill to incorporate the firemen of the city of Louisville.

By Mr. Trussell—21. A bill for the benefit of the late and present Sheriffs of Lewis county.

By Mr. Davidson—22. A bill for the benefit of Mrs. Frances B. Moore.

By Mr. Forman—23. A bill to amend the law in relation to working the public highways in the county of Mason.

By Mr. South—24. A bill for the benefit of those counties which have not been furnished with the decisions of the Appellate Court of this State.

By Mr. Shuck—25. A bill for the benefit of Justice Hays' devisees.

By Mr. Gabbert—26. A bill to allow an additional Justice of the Peace to Mercer county, and for other purposes.

By Mr. J. P. Hardin—27. A bill for the benefit of the administrator and heirs of Benjamin Lancaster, dec'd.

By Mr. Speed—28. A bill for the relief of the Sheriff of Nicholas county.

By Mr. Rowlett—29. A bill allowing an additional Justice of the Peace to the county of Owen.

By Mr. Taylor—30. A bill to change the time of holding certain Circuit Courts in the fourth Judicial district.

By Mr. Lair—31. A bill to amend the law in relation to suits of slander.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with (except the 20th,) the 1st, 2d, 5th, 6th, 7th, 9th, 10th, 12th, 13th, 14th, 15th, 18th, 19th, 21st, 22d, 23d, 25th, 26th, 27th, 28th and 29th bills were severally ordered to be engrossed and read a third time; the 3d, 11th, 30th and 31st were referred to the committee for Courts of Justice; the 4th and 16th to the committee on Internal Improvement; the 8th to Messrs, Hazlerigg, Goble, Waring, Botts and Morgan; the 17th and 24th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 2d, 5th, 6th, 7th, 9th, 10th, 12th, 14th, 15th, 18th, 19th, 21st, 23d, 25th, 26th, 27th, 28th and 29th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Speed,

Resolved, That the use of this Hall be tendered to the Rev. Thomas Clelan and Joseph Stiles, for the purpose of holding Divine service therein, on the second Sabbath in next month.

Mr. McHenry read and laid on the table the following resolutions, viz:

WHEREAS, many inconveniences arise to the citizens of this Common-

wealth by their slaves running away, and that these inconveniences are much increased, and heavy losses are occasioned by those slaves being retained in Canada, without any legal means of their owners reclaiming them, and any attempt to reclaim them by other than legal means would be calculated to disturb the friendly relations which exist between the governments of the United States and Great Britain; and it is believed that if this matter were brought properly before the government of Great Britain, a legal remedy would be provided—wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to take such steps as will, in their opinion, be best calculated to bring this subject before the government of Great Britain, and to obtain the desired relief.

Resolved, That the Governor of this State be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

The rule of the House requiring joint resolutions to lie on the table one day, having been dispensed with, the said resolutions were twice read, and adopted.

Mr. Sprigg moved the following resolutions, viz:

Resolved by the House of Representatives, That the Governor of this Commonwealth be, and he is hereby, respectfully requested to inform this House, as speedily as is practicable, how many of the shares of Bank stock held by the Commissioners of the Sinking Fund in the Bank of Kentucky are evidenced by certificates issued from the Schuylkill Bank of Philadelphia, and how many shares held by said Commissioners are evidenced by certificates issued by the Union Bank of New York; and that in his communication to this House, he set forth the dates of all the certificates of said shares of stock, the number of shares mentioned in each certificate, and by whom signed and countersigned.

2. *Resolved further*, That as Commissioner of the Sinking Fund, he inform this House of the name of the person or persons who, as broker or agent of the Commissioners of the Sinking Fund, purchased the stocks held by them in the Bank of Kentucky, and the particular shares of stock purchased by each of such broker or agent; and that he report also, the different resolutions of the Board of Commissioners which show what description of stocks the Commissioners resolved to purchase, at their several meetings, and the votes of each member of the Board upon all such resolutions.

3. *Resolved*, As the deliberate opinion of this House, that the Commissioners of the Sinking Fund should ascertain what amount of stock was at any and all times placed to the credit of the Commissioners of the Sinking Fund of the State of Kentucky, in the stock account opened by the Schuylkill Bank of Philadelphia with the Bank of Kentucky; and also ascertain the number of shares at any time placed to the credit of the Commissioners aforesaid, in the stock account opened by the Schuylkill Bank with the Bank of Kentucky; and also ascertain the names of the several persons who, on the several days when said Commissioners were credited in the said stock account of the Schuylkill Bank, appeared on the Transfer Book of said Bank to have surrendered their several certificates of stock, or to have transferred the same, and to whom transferred; and also, that they should ascertain the dates of the warrants issued by the Schuylkill Bank addressed to the Union Bank of New York, directing the stock held by the said Commissioners to

be placed to their credit in the stock account opened by the Union Bank with the Bank of Kentucky; and also ascertain the name of the person who received such warrants from the Schuylkill Bank, and at whose instance the certificates of stock held by the Commissioners aforesaid in the Bank of Kentucky were issued from the Union Bank of New York, and the names of the several persons whose accounts as stockholders in the Bank of Kentucky were closed, on the days the several warrants for the transfer of stock purchased by said Commissioners in the Bank of Kentucky were issued by the Schuylkill Bank and addressed to the Union Bank; and also make appropriate enquiries of the Union Bank of New York, upon the subject and facts aforesaid.

4. *Resolved further*, That the Commissioners of the Sinking Fund give information to the public, and to the next General Assembly of the State, of all the information obtained by them upon the subject of the last resolution, as soon as the facts therein referred to are ascertained by them.

Which were adopted.

At half past 2 o'clock, P. M., Mr. Howard moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Fletcher and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Atkinson,	Latimer,	Shaw,
Botts,	Mason,	Stockton,
Brien,	McHenry,	Thomas
Goble,	Newell,	Thomasson,
Harding,	Park,	Thompson,
Hart,	Raymon,	Triplett—19.
Howard,		

Those who voted in the negative were—

Messrs. Brent,	Gray,	Shanks,
Bruton,	Hays,	Shuck,
Bullock,	Hazlerigg,	Skiles,
Bush,	Innes,	Smith, H. H.
Chenault,	Lackey,	South,
Chilton,	Lair,	Speed,
Cofer,	Mitchell,	Sprigg,
Draffin,	Morgan,	Taylor,
Fletcher,	Perciful,	Waring,
Gabbert,	Rowlett,	Williams—31.
Graham,		

On motion of Mr. Sprigg,

Ordered, That the Committee for Courts of Justice be instructed to report back to this House the resolution heretofore proposed by him, in relation to the Lexington and Ohio Railroad.

On motion of Mr. Skiles,

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of repealing the law authorizing the extension of slackwater navigation on Upper Barren river; and that they report by bill or otherwise.

And then the House adjourned.

MONDAY, FEBRUARY 1, 1841.

1. Mr. W. N. Marshall presented the petition of Andrew Barnett, praying the passage of a law establishing a ferry across Green river, in Green county.

2. Mr. Lackey presented the petition of sundry citizens of Pike county, praying the passage of a law allowing an additional Justice of the Peace to said county.

3. Mr. Craddock presented the petition of David C. Donan, praying a change in the line between Barren and Hart counties.

4. Mr. Innes presented the petition of sundry citizens of Cynthiana, praying an amendment of the laws concerning said town.

5. Mr. Davidson presented the petition of John Stringer, and others in his behalf, praying the passage of a law releasing him from the penalty incurred by bringing a slave into this State.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st and 2d to the committee on Propositions and Grievances; the 3d to Messrs. Lackey, Paris and Goble; and the 4th and 5th to the committee for Courts of Justice.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to authorize the running, marking and extending the lines between certain counties.

An act for the benefit of Wm. Simmons and his committee.

An act for the benefit of James Pagett.

An act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act to amend the law concerning the writ of certiorari, and for other purposes.

An act to establish the town of Milburn, in the county of Hickman.

That they had adopted a report and resolutions relative to the demand on the Executive of New York by the Executive of Virginia for the surrender of certain fugitives from justice.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to change the time of holding the Knox County Court, and for other purposes.

An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell county.

An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray.

An act for the benefit of the Sheriff of Calloway county.

Approved January 29, 1841.

The House again resumed the consideration of the bill dispensing with the Board of Internal Improvement, and for other purposes.

The question was then taken on the adoption of the resolution proposed by Mr. Clay, and decided in the negative.

Mr. Haydon then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Bullock and Brien, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Haydon,	Shuck,	
Bruton,	Hazlerigg,	Smith, H. H.	
Bush,	Howard,	Snyder,	
Calhoon,	Imboden,	South,	
Combs,	Lair,	Stephens, N. B.	
Fletcher,	Marshall, W. C.	Stevens, J.	
Gabbert,	Marshall, W. N.	Taylor,	
Goble,	Mitchell,	Thomasson	
Graham,	Nance,	Waring,	
Gray,	Paris,	Watts,	
Haggard,	Perciful,	Williams,	
Harding,	Riffe,	Wortham—38.	
Harrison,	Rowlett,		

Those who voted in the negative were—

Mr. Speaker,	Goodson,	Raymon,
Messrs. Adams,	Hardin,	Reeves,
Atkinson,	Hart,	Rudd,
Botts,	Hawkins,	Shanks,

Brent,	Hays,	Skiles,
Buckner,	Innes,	Speed,
Bullock,	Kirtley,	Stockton,
Chenault,	Lackey,	Thomas,
Cofer,	Latimer,	Thompson,
Colyer,	Loving,	Towles,
Craddock,	Marshall, C. A.	Triplett,
Crenshaw,	Mason,	Trussell,
Curle,	McHenry,	Watkins,
Davidson,	Morgan,	White,
Draffin,	Newell,	Woodson—47.
Forman,	Park,	

On motion of Mr. Thompson,

Ordered, That said bill be referred to a committee of the whole House for this day.

The House then, according to order, resolved itself into a committee of the whole on said bill—Mr. Thompson in the chair; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson reported that the committee had, according to order, had under consideration the bill aforesaid, and having gone through with the same, had instructed him to report the bill to the House without amendment; which he handed in at the Clerk's table.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate and of the House of Representatives:

Pursuant to the request of the Legislature of Alabama, through the Governor of that State, I transmit to the General Assembly a report and joint resolutions of the Legislature of Alabama, responsive to certain resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy.

R. P. LETCHER.

January 30, 1841.

EXECUTIVE DEPARTMENT,
Tuscaloosa, January 16, 1841.

SIR:

I transmit, herewith, a report and joint resolutions of the General Assembly of Alabama, responsive to certain resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy, with a request that you will lay the same before the Legislature of the State over which you preside.

With perfect respect, I am, sir, your ob't servant,

A. .P BAGBY.

His Excellency, the Governor of Kentucky.

The committee on Federal Relations, to whom was referred certain joint resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy, have had the same under consideration, and beg leave to report: That, after a careful examination of the facts and circumstances set forth in the preamble to said joint resolutions, connected with felonious stealing and carrying away the slave Atticus, by Daniel Philbrook and Edward Kilbron, from the State of Georgia, and transporting them to the State of Maine, and the refusal of the Executive of the State of Maine to surrender said Philbrook and Kilbron as fugitives from justice, upon demand made by the Governor of Georgia, pursuant to the provisions of the Federal Constitution—they have come to the conclusion that the demand made was right and proper; that it was made clear under the constitution, and the refusal to surrender was inconsistent with the constitutional obligations of a State. They therefore concur in the following resolutions of said State, and recommend their adoption by the General Assembly of this State:

Resolved, 1st. That it is the duty as well as the right of any State, to insist on the faithful observance of the Federal Constitution by each State in the Union.

Resolved, 2d. That to define crimes and felonies within its jurisdiction, is an incident to the sovereignty of each State; and that no other State can question the exercise of that right.

Resolved, 3d. That to demand the surrender and removal of fugitives from justice, is a right by the constitution, and the arrest and surrender a duty. The denial or impairment of this right is inconsistent with the constitutional obligations of a State, and subversive of the peace and good government of the other States.

Resolved, 4th. That the right has been impaired, if not denied, by the authorities of Maine; and that this will never consent that any State shall become an asylum for those who are fugitives from the justice of other States.

Resolved, 5th. That this State will make common cause with any State of this confederacy, in maintaining its just rights under the guaranty of the Constitution of the United States; and should the obligation of this instrument be disregarded by those whose duty it may be to enforce them, it will take council of its co-States in this confederacy having similar interests to protect, and similar injuries to redress, in devising and adopting such measures as will maintain, at every hazard, these rights and that property, which the obligations of the compact of union, cancelled as they then will be, as to have failed to enforce.

Resolved, 6th. That the Executive of this State be requested to transmit to the Executive of the several States, to be laid before their respective Legislatures; to the President of the United States, and to our Senators and Representatives in Congress, a copy of this report, and of these resolutions.

(Signed) J. H. COTTRELL, *President Senate.*
R. A. BAKER, *Speaker of the H. R.*

Ordered, That said message be referred to the committee for Courts of Justice.

And then the House adjourned.

TUESDAY, FEBRUARY 2, 1841.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act to extend the Constables' districts in the town of Bradfordsville, in Marion county, and town of Richmond, in Madison county.

An act for the divorce of Robert S. Brame.

An act for the benefit of Sarah Ann Mullinick.

That they had passed bills from this House, of the following titles, viz:

An act to divorce Margaret M. Pulliam.

An act for the benefit of Rosannah Boggess, of Muhlenburg county.

An act for the benefit of the widow and heirs of Thomas Robinson, dec'd.

An act for the benefit of Eliza Taylor.

An act for the divorce of Priscilla Ann Brown.

An act to divorce James Ware.

An act for the divorce of Sarah L. Gaines.

An act for the benefit of Mary Finch.

An act for the benefit of George W. Mansfield, and for other purposes.

An act to amend an act, entitled, an act to amend the charter of the city of Covington, approved Jan. 4, 1841, and for other purposes.

An act concerning the Christian Church at Glasgow.

An act to legalize the proceedings of the Garrard County Court, and for other purposes.

And that they had passed bills of the following titles, viz:

An act for the divorce of Elizabeth Ann Doty.

An act for the divorce of Andrew Woods.

An act for the benefit of Edmund Oakley, committee of America Oakley, an idiot.

1. Mr. Clay presented the petition of Elisha I. Smith, praying to be released from a judgment obtained against him for failing to return certain public arms.

2. Mr. Innes presented the remonstrance of sundry citizens of the town of Cynthiana, against any amendment of the law of 1833 in relation to said town.

3. Mr. Bullock presented the memorial of the President and Directors of the Bank of Kentucky, in relation to the report of the joint committee on Banks.

4. Mr. Forman presented the petition of Edwin Hord, of Mason county, praying the passage of a law placing him in possession of his just rights.

5. Mr. Gray presented the petition of William Lykins, praying to be divorced from his wife, Anna Lykins.

6. Mr. Adams presented the petition of sundry citizens of Clay county, praying a removal of the seat of justice of said county.

Which petitions, remonstrance and memorial were received, the reading thereof dispensed with, and referred: (except the 3d,) the 1st to the committee on Military Affairs; the 2d and 4th to the committee for Courts of Justice; the 5th to the committee on Religion; and the 6th to the committee on Propositions and Grievances.

Ordered, That the said memorial of the President and Directors of the Bank of Kentucky be laid on the table; and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to authorize the running, marking and extending the county lines between certain counties.

An act for the benefit of James Pagett.

An act to amend an act, entitled, an act to amend an act directing the duty of Surveyors.

An act for the benefit of Wm. Simmons and his committee.

An act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts.

An act to divorce Fanny Robeleer, and to change her name.

An act for the benefit of Susan Summers.

An act to alter the mode of comparing the polls in the election of certain officers.

An act for the benefit of the Sheriff of Henry county.

An act to incorporate and establish the Marion County Agricultural Society.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act to amend the law of last session relating to idiots and lunatics.

An act to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved Feb'y 5, 1840.

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

An act to amend the law concerning the town of Hardinsburgh, and for other purposes.

An act for the divorce of Albert G. Young, and Catharine N. Young, his wife.

An act to establish the fire department of the city of Louisville.

An act to change the time of holding the Campbell County Courts, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

Mr. Bullock, from the minority of the committee on Education, made the following report, viz:

The undersigned, a minority of the committee on Education, to whom certain resolutions, adopted by a meeting of the "Friends of Education," were referred, are compelled by a sense of duty, to dissent from a portion of the reasoning contained in the report of the majority of said committee, in relation thereto.

They believe that the effect of dispensing with the office of Superintendent will be highly prejudicial to the interests of the Common School system, if not ultimately fatal to its existence.

The majority have thought proper to assert the *capacity* of the Legislature "to comprehend or regulate a system of its own creation," and the *right* to "extend its legislation over the narrow precincts of a school house."

The undersigned will not deny the truth of these propositions; but in their judgment, it does not therefore follow, that the power should be exerted of controuling by special legislation, all the details of the system of Common Schools. The regulation and adjustment of the entire system, giving to it that uniformity and efficiency which can alone make it useful, can surely be more effectually promoted by the services of an individual, selected for his capacity and qualifications to discharge the duties of such an office. The reasoning which would lead to a different conclusion, would also require of us to adopt a different policy in reference to every other subject of public interest. Will it be contended, because the General Assembly have the capacity and authority to comprehend the system of Internal Improvement, "a system of its own creation," and to "extend its legislation over the narrow precincts" of a turnpike road, or a single lock or dam in one of our rivers, that we should therefore dispense with the valuable services of a competent Engineer or Superintendent? The simple statement of the proposition carries with it its complete refutation. The duties devolved upon the Superintendent of Public Instruction by the Common School act, are not less important and responsible than those which belong to any other officer of the government. In the infancy of the system, to withhold from it the succour and protection and advocacy of one competent to illustrate and enforce its importance, is to leave it a dead letter upon the statute book, as to the great mass of the people.

It will be distinctly understood, that the undersigned utterly disclaim any imputation against the people of Kentucky, which ascribes to them a state of brutal ignorance. In general intelligence they are not surpassed by the people of any other State in the Union. But it is true, that in reference to the importance of Common School education, public sentiment, to a great extent, must yet be formed. The system is new, and is liable to all the objections which the very novelty of the scheme is calculated to produce. To remove these objections, to bring the subject home to the bosoms of the people, to reason with them of its advantages and its blessings, to superin-

tend the organization of the system, to prescribe the course of instruction, to elevate the standard of education, to collect and report to the representatives of the people the statistics which may be necessary to useful legislation —are a few among the many various and important duties, which come within the prescribed limits of the task allotted to the Superintendent.

The history of Common School education in every State of the Union where it has been made the subject of legislation, sustains the position which is here taken. Even in those States where the systems have been perfected and are in the most successful operation, the services of a Superintendent are deemed of indispensable importance. In New York, whence our system is mainly derived, the eminent and glorious success exhibited in her institutions is mainly ascribed to the active, persevering and efficient superintendence of this officer. For many years, her system, as has been the fate of ours, struggled slowly into existence. *There* as *here* it had to encounter the deep-rooted prejudices of many, who opposed its progress at every step. *There* as *here* the fears and doubts of the timid had to be removed; the opposition based upon the principles of selfish calculation, the belief that the few were to be taxed for the benefit of the many, and all the numberless objections which are now urged against *our* system, were successfully resisted by the force of reason and of argument; and now the means of a sound and practical education are brought within the reach of every child within the limits of the Empire State.

It is confidently believed that the history of Kentucky legislation clearly demonstrates the necessity of continued and systematic effort. At a former period, a fund was provided by an act of the Legislature, and set apart for the promotion of general education. It was suffered to accumulate only so long as it was not required to defray the current and ordinary expenses of the government. As soon, however, as the demands upon the Treasury became sufficiently urgent, this fund thus dedicated was seized upon, rather than resort to taxation to supply the means. It was then said, as is now contended by those who would cancel the bonds of the State and subvert this system, that the fund was unavailable, that the people were not benefitted, and that no practical good had been or could be achieved. Unfortunately for the people of Kentucky, these arguments fortified by the necessities of the government prevailed, and every dollar of the fund was engulphed by this short-sighted and time-serving policy.

The undersigned are forced to the conviction, painful and humiliating as it is, that the time is not distant, unless this system is put into operation so as to demonstrate its practicability, and engraft itself upon the confidence and affections of the people, that the fund will be diverted from its legitimate objects, and every cherished hope of the friends of general education blighted forever! The people of Kentucky have been too long deluded by empty and high-sounding professions. They now require that something shall be done. It cannot be expected that they will cherish much longer a barren and fruitless institution.

Shall it be said, that whilst other States are carrying on this glorious work with a constancy and perseverance which have surmounted every obstacle, that Kentucky shall again shrink from the task, and abandon that policy to which she stands pledged, by every consideration of duty and of interest.

It is, therefore, the deliberate opinion of the undersigned, that true policy requires that the office of Superintendent should not be abolished, but that

his labors should be unremitted, constant and persevering. He should visit every county and neighborhood within the limits of the State, arouse public attention to the importance of his mission, stimulate the dormant energies of the people; and every year will add to the number of his triumphs, and every triumph will strengthen the system, and add to the stability of our free institutions.

Twenty four counties, comprising six hundred and eighty six districts, have been districted under the provisions of the present law; and of these, eight of the counties have made partial reports. There are seven schools now organized in the county of Woodford, and believed to be in successful operation. In many other portions of the State, the most favorable and encouraging demonstrations have been made in favor of the system.

Wherever the question has been presented in its true light, and reason has been left free to combat with ignorance and selfishness, the prejudices of the people have been dissipated, and the school house stands an humble but enduring monument of their happy deliverance.

The system is just merging into existence. It is a vigorous offspring, and has just begun to unfold its capacities and develope its strength. Let it not be said that it has perished from neglect. If it be fostered and cherished in its infancy, it will grow up to be the pride and ornament of the State; if the helping hand is now withheld, it will perish the victim of a cruel and step-dame policy.

The majority of the committee have assumed the ground that the fund already provided is inadequate to the object, and that the system was designed for the poor, and therefore contend that no good can be effected until the fund is increased.

This argument, it is conceived, is based in a total misapprehension of the true character of the system, and of the objects which it was intended to effect. The fund, though not so large as could be desired, is deemed adequate to the accomplishment of all that is proposed.

The Common School system is not intended to educate the children of the country at the public expense, but to give efficiency and uniformity and systematic effort to the business of education. The fund already provided is fully equal to that in New York, considering the population of the State, and there it has been deemed for years that the fund is amply sufficient for all its legitimate purposes. The distinguished superintendent of Public Instruction in that State expresses the opinion, that it would be unwise to do more than to furnish a sum barely sufficient to encourage the efforts of the people. If the State were to furnish a sufficient amount to relieve the people from the necessity of taxing themselves, they would place upon education a lower estimate, and guard the institution itself with less vigilance and attention. Our Common School system proposes merely to *encourage* education, and is based upon the broad principle that it is the duty of the government to look to this object. For this purpose, it is intended by the system to ascertain the number of children of the requisite age within the State, to have the State laid off into convenient districts, to offer to each district its just proportion of the interest of a common fund, upon certain conditions, of which the most important is, that the people will submit to voluntary taxation for the education of their own children. It is intended by such means to diffuse the blessings of education, to introduce throughout the State a sound, wholesome and uniform system, to give vitality and strength to the cause, and to

bring the whole subject, embracing the interests of all, within the grasp of the Legislature. If these be the true objects proposed to be accomplished, where is the necessity of delay? The introduction of this system into Kentucky must be the work of years, and the claims of posterity demand that no time shall be lost.

The majority of the committee, in supposing that this fund was intended for the education of the poor, have not only misapprehended the objects of the law, but have set forth a statement calculated to prejudice the system in the estimation of the public.

It is not proposed to establish schools for the poor, *or free schools*, as they are commonly called, but Common Schools in which the children of all associate upon terms of perfect equality, and enjoy the same advantages. Such a system is eminently calculated to cherish the pure principles of republicanism, and to break down the artificial distinctions of society. The school is sustained by all, and all are equally entitled to its benefits. It is indeed one of the most beautiful features in the aspect of such a system, that it opens upon the rich and the poor the same bright prospects.

The undersigned have deemed it an act of duty to say thus much in vindication of the system of Common Schools, and will avail themselves of the occasion to express their hearty concurrence in the resolutions adopted by the convention of "The Friends of Education."

W. F. BULLOCK,
THOMAS TOWLES, Jr.

Ordered, That the Public Printer forthwith print 150 copies of the said report for the use of the members of the General Assembly.

On motion of Mr. Davidson,

Ordered, That the amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Clerk of the Graves County Court, and the amendment proposed by the committee on Ways and Means to said amendments, be referred to the committee on Claims.

Mr. Woodson, from the committee on Propositions and Grievances, to whom was referred a bill to add a part of the county of Franklin to the county of Anderson—reported the same without amendment.

Ordered, That said bill be re-engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill to equalize the labors of the Judges in certain Judicial districts —reported the same with an amendment as a substitute for the original bill, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

Mr. Calhoon then moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Innes and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hardin,	Rudd,
Messrs. Atkinson,	Hart,	Shanks,
Botts,	Hawkins,	Shuck,
Brent,	Kirtley,	Skiles,
Bullock,	Latimer,	Snyder,
Calhoon,	Loving,	Speed,
Clay,	Marshall, C. A.	Stephens, N. B.
Craddock,	Marshall, W. C.	Stockton,
Crenshaw,	Marshall, W. N.	Thomas,
Curle,	McHenry,	Thompson,
Davidson,	Newell,	Trussell,
Forman,	Park,	Vance,
Gabbert,	Raymon,	Waring,
Goodson,	Reeves,	White,
Haggard,	Riffe,	Wortham—46.
Harding,		

Those who voted in the negative were—

Messrs. Brien,	Gray,	Paris,
Bruton,	Harrison,	Perciful,
Buckner,	Haydon,	Rowlett,
Bush,	Hays,	Smith, H. H.
Caldwell,	Hazlerigg,	South,
Chenault,	Howard,	Stevens, J.
Chilton,	Imboden,	Taylor,
Cofer,	Innes,	Thomasson,
Colyer,	Johnson,	Towles,
Combs,	Lackey,	Triplett,
Draffin,	Lair,	Watkins,
Fletcher,	Mason,	Watts,
Ford,	Mitchell,	Williams,
Goble,	Morgan,	Woodson—44.
Graham,	Nance,	

Resolved, That the title of said bill be amended to read as follows:

An act to establish the eighteenth Judicial district, and for other purposes.

Mr. McHenry, from the same committee, to whom was referred a bill to incorporate the town of Smithland, and for other purposes—reported the same with amendments, which were concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hazlerigg, from the select committee to whom was referred a bill to amend and reduce into one the several acts relating to the Sandy road—reported the same with amendments, which were concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—1. A bill to tax foreign Insurance Offices and Agencies, and for other purposes.

By Mr. Davidson—2. A bill for the benefit of the Sheriffs and Clerks of this Commonwealth.

By Mr. Lackey—3. A bill to allow an additional Justice of the Peace and Constable to Pike county.

By the committee on Military Affairs—4. A bill to amend the militia law.

By the committee on Internal Improvement—5. A bill for the benefit of James Newton.

By the committee on Propositions and Grievances—6. A bill to add an additional Constable to the county of Nicholas.

By the committee for Courts of Justice—7. A bill to amend the charter of the Louisville and Portland Canal Company.

By same—8. A bill for the benefit of Augustus M. Barrett, Clerk of the Edmonson County and Circuit Courts.

By same—9. A bill to incorporate the Providence Methodist Episcopal Church of Cumberland county, and for other purposes.

By the committee on Religion—10. A bill for the divorce of Elizabeth Merritt.

By Mr. Draffin—11. A bill to reduce the number of Justices of the Peace in Anderson county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was made the special order of the day for to-morrow; the 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10th and 11th were severally ordered to be engrossed and read a third time; and the 5th was referred to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10th and 11th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 1st bill for the use of the members of the General Assembly.

On motion of Mr. Craddock—Leave was given to bring in a bill for the benefit of the congregation of the Republican Meeting House, in Barren county.

Ordered, That Messrs. Craddock, Crenshaw and A. Harding prepare and bring in the same.

The House again resumed the consideration of the bill dispensing with the Board of Internal Improvement, and for other purposes.

Mr. Calhoon moved amendments to said bill, which were adopted.

The ninth section of said bill was read, as follows, viz:

Be it further enacted, That no contracts shall hereafter be made, by which, for a stipulated sum, any person may be entitled to use any turnpike road, or pass through any gate thereon, for a given period: Provided, however, the Presidents of the local Boards shall have power to cause a monthly account to be opened with persons who desire it, and who are deemed safe by said Presidents.

Mr. Calhoon then moved to amend said bill by striking out said section.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Caldwell and Paris, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Atkinson,
Brent,
Bruton,
Buckner,
Bullock,
Bush,
Calhoon,
Chenault,
Chilton,
Colyer,
Combs,
Craddock,
Crenshaw,
Cunningham,
Curd,
Curle,
Davidson,
Draffin,
Fletcher,
Ford,
Forman,
Gabbert,
Goodson,
Graham,
Gray,
Hardin,
Harrison,
Hart,
Hawkins,
Hays,
Hazlerigg,
Johnson,
Kirtley,
Lackey,
Latimer,
Loving,
Marshall, C. A.
Mason,
McHenry,
Mitchell,
Park,
Perciful,
Raymon,
Reeves,
Riffe,
Rudd,
Shanks,
Shuck,
Skiles,
Snyder,
Speed,
Sprigg,
Stephens, N. B.
Stockton,
Thomas,
Thomasson,
Thompson,
Triplett,
Trussell,
Vance,
Waring,
Watkins,
Watts,
White,
Williams,
Woodson,
Wortham—69.

Those who voted in the negative were—

Messrs. Botts,	Howard,	Paris,
Brien,	Imboden,	Rowlett,
Caldwell,	Innis,	Smith, H. H.
Clay,	Lair,	South,
Goble,	Marshall, W. N.	Stevens, J.
Haggard,	Morgan,	Taylor,
Harding,	Nance,	Towles—23.
Haydon,	Newell,	

And then the House adjourned.

WEDNESDAY, FEBRUARY 3, 1841.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Maria Gibbs.

An act to repeal an act authorizing the erection of a toll gate within less than one mile of the court house in Stanford.

An act authorizing Levin Lawrence to sell a slave.

An act to amend the charter of the Bardstown and Springfield Turnpike Road Company.

That they had passed bills from this House of the following titles, viz:

An act authorizing Reuben Collings and George W. Brewer to build a mill dam on Salt river.

An act authorizing Nicholas Porter to build a mill dam on Salt river.

An act further to regulate the Madison turnpike and Wilderness road.

An act to amend an act, entitled, an act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

An act to explain an act, entitled, an act to repeal (in part) the several acts concerning the town of South Frankfort, and for other purposes, approved January 4, 1841.

An act allowing an additional Justice of the Peace to Bath county, and for other purposes.

An act to authorize the Judge of the second Judicial district to hold a special chancery term in the county of Campbell.

An act to establish an election precinct in Greenup county, and for other purposes.

An act further to regulate the trial of Appeal cases in the Jefferson County Court.

An act to allow an additional Justice of the Peace to Mercer county, and for other purposes.

And that they had passed an act, entitled,

An act for the benefit of the heirs of J. B. Connolly, deceased.

1. Mr. Bullock presented the petition of L. B. Stoughton, praying that a loan may be made to the Lexington and Ohio Railroad Company, in order that said company may be able to pay him a debt of $5,000.

2. Mr. Adams presented the remonstrance of sundry citizens of Clay county, against the removal of the seat of justice of said county.

Which petition and remonstrance were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice, and the 2d to the committee on Propositions and Grievances.

A bill to authorize certain County Courts to establish ferries across the Mississippi river—was read the second time, and ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act to amend an act, entitled, an act to amend an act directing the duty of Surveyors of lands.

An act for the benefit of James Pagett.

An act for the benefit of Wm. Simmons and his committee.

An act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts.

An act to divorce Fanny Robeleer, and to change her name.

An act for the benefit of Susan Summers.

An act to alter the mode of comparing the polls in the election of certain officers.

An act to authorize the running, marking and extending the county lines between certain counties.

An act to incorporate and establish the Marion County Agricultural Society.

An act for the benefit of the Sheriff of Henry county.

Approved February 2, 1841.

The memorial of the President and Directors of the Bank of Kentucky, presented on yesterday, was taken up from the table, and read, as follows:

To the Honorable Senate and House of
Representatives of the Commonwealth of Kentucky:

The memorial of the President and Directors of the Bank of Kentucky, would respectfully represent to your honorable bodies, that they conceive great injustice has been done to the Bank of Kentucky, in the report just made to your honorable bodies by the Joint Committee on Banks, although your Committee express the opinion that "an examination of the 'monthly balance sheets of the Banks must convince every unprejudiced 'mind that they are solvent—that their circulation is safe in the hands of the 'holders, and that the stock would realize, and be equal to par to the owner, 'were they put in liquidation immediately."

The Committee thus acknowledging the solvency of the Banks, and their ability to meet their engagements, and to restore their capitals to the stockholders—after the great commercial embarrassments of preceding years—the failure of so many Banks, and the destruction of the private fortunes of so many persons—have conceived their duty but partially performed in so ascertaining the sound situation of the Banks, and bearing public testimony to the ability and integrity with which they have been managed, and declare that "the action that those institutions have in the com-'munity, in which they are located—the manner in which the different por-'tions of the community are effected by them, it is their legitimate province 'to enquire, not as affecting the interest of the Banks themselves, their sol-'vency, or their prosperity, but as affecting the different interests of the 'community in which they are situated."

Thus forewarned, that the solvency and prosperity of the institutions in the most disastrous times, does not satisfy the Committee, although the Banks have conformed to all the provisions of their charters, except in the payment of specie, (in which exception the Committee justify them,) your memorialists will beg leave to examine the grievances of which the Committee complains. It is surely not in the $1,954,548 of Bills of Exchange, the Bank of Kentucky has with its $3,022,642 of notes discounted, that the Committee charge her with forcing the business of the country into Bills of Exchange, to the prejudice of the interests of any other portion of the country, when the Northern Bank is not censured, with its $1,483,348 of Bills, and only $1,514,394 of notes under discount; but your memorialists cannot avoid noticing in the next paragraph, in the report of the Committee, a direct charge and attempted censure on the Bank of Kentucky, because of the Bills of Exchange purchased by the Branches of this Bank, payable at Louisville; and which charge and censure the Committee express in these words: "Your Committee has seen, with any thing but an 'eye of favor, the large amount of inland or domestic Bills of Exchange dis-'counted by the Banks of Kentucky, and payable in the city of Louisville, 'amounting to near three hundred thousand dollars," and declare that "they 'believe that the advantage derived by Banks consists solely in the discount 'which is taken off of the Bill when it is purchased, thus enabling the Banks 'to exact more than legal interest for the loan and forbearance of money;" and say, "if this be done to make money for the Banks, and not to accom-'modate the discounter of the Bill, then the Committee deem the business 'illegitimate on the part of the Directors of the Bank, and if it be done to 'force trade into other than its natural channels, they deem it still more un-'warrantable."

Your memorialists cannot be mistaken in construing this charge and censure as aimed at the Bank of Kentucky.

1st, Because the Branches of the Bank of Kentucky had, as appears by the tables furnished the Committee, $300,198 81 payable in Kentucky, and near $300,000 of it in Louisville; and if the Bills belonging to the Northern Bank and Bank of Louisville, had been included in the estimate of the Committee, it is believed the amount would have exceeded $400,000; and

2dly, Because the Northern Bank, from its location and the feelings of its Directory, cannot be suspected of an unwarrantable design of forcing the business out of its natural channel, to the city of Louisville, as hinted in the last sentence of the paragraph.

Your memorialists consider the charge and censure not unwarranted by the facts, and that the Committee, before penning the paragraph, should have ascertained whether those Bills were purchased by the Banks solely for the purpose of exacting more than legal interest, or whether they were purchased for the accommodation of the discounter. If bought for the accommodation of the discounter, then it was not done by the Banks solely for the purpose of exacting more than legal interest, nor for the purpose of forcing trade out of its natural channels; and the Committee should not have regarded it with an eye of disfavor, because, in that light, it would have been furthering the interests of the discounter and the natural course of trade. They had power to send for persons, papers, and records, and authority to examine any and every body under oath, and should have ascertained whether the Banks were solely actuated by a design of getting more than legal interest, or were actuated by the more unwarrantable design of forcing trade out of its natural channel; and not have left the question undecided, whether the conduct they looked at with any thing but an eye of favor was the result of a legitimate and laudable course of business, or of illegitimate and unwarrantable motives and objects.

The charge and censure of a Committee of the Legislature should not be made without a full investigation and a thorough understanding of the subject; because it goes forth like a verdict of guilty, and makes an impression that is difficult to remove. Your memorialists would call for the evidence establishing, or tending to establish, that the large amounts of inland or domestic Bills of Exchange, payable in Louisville, were purchased solely by the Banks for the additional profit they were thereby enabled to realize, or that establishes, or tends to establish, that they were bought for the more unwarrantable purpose of forcing trade out of its natural channels. If, in the great mass of evidence which the Committee have embodied, there shall be, as there will be found, no such evidence, your memorialists conceive that the Directory which had guided the Bank of Kentuuky through the disastrous commercial difficulties of the last four years, so as to be solvent and able, not only to redeem its circulation and discharge all its liabilities, but to restore to the stockholders the whole amount of their capital, if forced into immediate liquidation, were, in common charity, entitled to the benefit of the only legitimate motive (that of the accommodation of the discounted) which presented itself to the Committee. It will be found in the next paragraph, that the Committee seem to abandon the charge that the business was done for the purpose of getting more than legal interest, and ground it on the more unwarrantable motive of forcing business into unnatural channels, oppressively towards one portion of the community to the

advancement of the interests of another; and seem to declare that previous Committees had established the charge, and marked it with the disapprobation of the Legislature. Your memorialists have not been able to find any such charge made or established in the report of any former Committee of the Legislature, and are not aware of the mark of disapprobation to which the Committee allude.

The inland or domestic Bills of Exchange purchased by the Banks of Kentucky, payable in Louisville, are purchased at points, by men, in the management of Banks and Branches of Banks, who feel more solicitous to cause the business of the country to centre at the place of their immediate action and residence, than to force it out of its natural channels to Louisville; and they ought to stand acquitted before an impartial tribunal of any such charge, without the clearest and most palpable evidence, by facts and circumstances, derived from the purest and most unquestionable source. The Committee refer to no order or command of the President and Directors of the Principal Bank of Kentucky, forcing their Branches to deal in domestic Bills of Exchange, payable at Louisville, and no such order exists; and the Directory of the Parent Board should also stand acquitted of the charge. It will be found, on examination of the business of the Bank of Kentucky and her Branches, as appearing from the records and books of the Bank and Branches, and the reports required to be forwarded to the Secretary of State, and the reports of the former and present Committees of the Legislature, that the Bank of Kentucky has done a much larger business in the discount of notes, and a much smaller business in Bills of Exchange, in proportion to her capital, than either of the other Banks; and from the location of the Branches of the Bank of Kentucky, they have done a larger proportion of the business of inland Exchange, in proportion to her capital, than either of the other Banks, and consequently, they have had less Eastern Exchange in proportion to their capital; and as there is, in general, more profit derived from the capital employed in Exchange, than there is from the capital employed in the discount of notes, they have made less money, and have, at different times, been presented with a larger amount of their notes, taken up by the other Banks, in the sale of Exchange. To remedy this evil, and make her business more profitable, and more within their control, the Directory of the Principal Bank determined to reduce the amount of notes under discount at the Principal Bank, and also to cause a like reduction at the Branches; and if good Bills of Exchange, on available points, offered, to increase their business in that line, but to cause the reduction to be made gradually, and so as to produce no unnecessary pressure on their customers. In accordance with this determination, the discount line of the Principal Bank of Kentucky, including all notes discounted, and loans made, and stocks purchased, will be found as follows, viz:

On the 1st of January, 1838, - - - -	$2,692,515
On the 1st of January, 1839, - - - -	2,671,053
On the 1st of January, 1840, - - - -	2,013,507
On the 1st of January, 1841, - - - -	1,897,272

The reports of the Branches will exhibit the discount line at the same periods, and how far they complied with the wishes of the Parent Board. In December, 1839, the Parent Board finding that the greater part of the

domestic Exchanges were negotiated with the Bank of Kentucky and its Branches, and that they got a less portion of the Exchange payable in other States, than the interests of the Bank required—with a view to discourage this domestic Exchange, and increase Exchange on points without the State, the Directory determined to increase the discount on Bills within the State from one half to one per cent., and accordingly made an order to that effect, to operate, as well on the Branches, as the Principal Bank; but finding immediately that it was an essential aid and assistance to the internal trade of the State, and was deemed an unjust exaction on the customers of the Bank and the internal trade, they at once reduced it to the former rate of one half of one per cent., at which it has remained ever since, without alteration, and the business has been done at that rate—to facilitate the internal trade of the country, and to accommodate the customers of the Bank, and not with the sole view of getting more than legal interest, nor with the design, expectation, or belief, that it would force the trade of the country out of its natural channel, and that too, when Exchange, payable at points without the State, was more necessary to the condition of the Bank, and more desirable on account of the profits arising from it. It would seem to present itself, at once, to any one acquainted with the map of Kentucky, and the character of its productions, and with the location of Louisville at the falls of the Ohio, at the point where the vessels of the larger class trading to New Orleans, and the vessels of the smaller class trading with the points above, meet, and discharge and exchange their cargoes, that it is the natural shipping point for at least a portion of the State, and would be the place at which a portion of the imports of the State would be landed for sale and distribution; and, therefore, that a portion of the manufactures and productions of the State would be sent there for sale, or bought at that place by their merchants, and acceptances given on the deposite or purchase of the goods, and that these acceptances would be sold for the accommodation of the holder, to the Banks of the interior, and be sent to Louisville for collection; and that the merchants of Louisville, making advances to persons in the interior, or selling their goods on time, would take acceptances, and sell them to the Banks in the city of Louisville, and that they would be sent to the branches in the interior for collection, and that the Banks might well do this business, without the charge of usury, or with an attempt to force trade out of its natural channels.

In connection with the foregoing charge of forcing trade out of its natural channels, to Louisville, the Committee charge the Bank of Kentucky with fixing the rates of Exchange in December, 1839, at two per cent. for four months' Bills on New Orleans, for Bank and Branches; and afterwards, in the month of February, 1840, with reducing the Exchange for four months' Bills, at the principal Bank, to one per cent.

If the Committee have reported the scale of Exchanges furnisued to the Branches, by the principal Bank, in December, 1839, it will be found that the rate of four months' Bills, on New Orleans only, were furnished, leaving the Branches uninstructed as to longer or shorter Bills on that point, and to act according to their views of what was right and expedient, according to the interest of the Branch. This Bank fixed a scale on the day after for her own government, fixing the same rate of two per cent. for four months' Bills on New Orleans, and a less rate for shorter Bills, because this Bank required money in New Orleans at shorter periods; and again, about

the 1st of February, 1840, this Bank, from the competition of the other Banks, and purchasers out of doors, and the necessity of having funds in New Orleans to meet the collections made through this Bank in favor of the New Orleans Banks and merchants, on account of the purchase of groceries, at New Orleans, for this market, was induced to reduce Exchange on four months' Bills on New Orleans to one per cent., and make the charge on Bills over four months two per cent.; and this change in our rates of Exchange, arising from necessity, and the demands about to come against this Bank, was not notified to the Branches, and their rates made to conform with those which this Bank was charging. The Committee lay it down as an imperative rule, that the Parent Board should force the Branches to do business at the rates that her situation and the demands against her makes it necessary that she should transact business, when the situation of the Branches and their necessities do not require them to do business on the same terms, and they force an argument, from a failure so to act, that it was done to give a preference to the merchants and traders of Louisville over the merchants and traders of other places in the State. There was no such object in view, and no such inference can be fairly deduced from it. The Committee of this Board, appointed to meet the Committee on the part of the Legislature, answered the question on this subject, that the rates furnished were not intended to be imperative on the Branches, but that they were expected to exercise a sound discretion on the subject; and under this view of the subject, other Branches purchased Bills on New Orleans at a less rate, and reported the purchases to this Bank, and no remonstrance was made against it. There was no dissatisfaction expressed by any of the Branches at the rates on New Orleans, and no desire manifested to have them changed. Your memorialists have not seen the responses of the Branches on this subject, and cannot know what discrepancies there may be between the answers of some of the Branches and the answers of the Mother Board, but they know what was contained in their circular, and know that by the answer of this Bank, to that question, a greater discretion was said to be allowed to the Branches, than a literal and technical construction of the words would seem to authorize; but they made the answer from the fact that some of the Branches had exercised the discretion without remonstrance from the Parent Board.

The next charge which the Committee makes against the Bank of Kentucky is founded on a letter written by W. H. Pope, late President of this Bank, to the Branch at Maysville, urging the reduction of discounts, without regard to persons, and declaring that this Bank would deem all accounts large, which should exceed ten or twelve thousand dollars; and declaring that they would consider such accounts high with our strongest merchants, and we had but few exceeding that sum; and then take occasion to compare our action with that declaration, and condemn the practice of this Bank in relation to the amount owing by individuals or firms. The table furnished to the Committee exhibits the list of debtors to this Bank, from No. 1 to 50, on notes discounted, and it will be found there are only seven accounts over twelve thousand dollars. The table furnished the Committee exhibits fifty of the largest debtors to the Bank, as payers of Bills of Exchange, from No. 1 to 50, and none of the fifty debtors on notes discounted, are the same persons who compose the fifty debtors as payers of Bills of Exchange; but some of the fifty debtors on notes have discounted Bills

of Exchange, which had not matured when the tables were furnished, and by taking two of the numbers in the table of notes discounted, and two of the same numbers in the table of discounted Bills of Exchange, they make the aggregate of each of the two exceed fifty thousand dollars, and by this ingenious device of the Committee, the practice of this Bank is made to conflict with the directions given to the Maysville Branch, when those directions only alluded to notes discounted, and when the very letter referred to, made a strong appeal to the Branch to increase her Bills of Exchange, and showed if that character of business did not present itself at that point, this Board would be compelled to remove a part of the capital. The Committee ought to have known the difference between the debtors, as payers of Bills of Exchange and the discounters of Bills of Exchange, as they asked and obtained tables of both; and they ought to have known that it was not fair to add the two classes together, and take the aggregate of both, when different persons were the payers and debtors of the largest portion. It is also worthy of remark, that the Committee obtained from no other Bank, fifty of the largest debtors of the Bank as payers of Bills of Exchange; and that when they obtained fifty of the largest discounters of Bills at the other Banks, they did not so obtain them as to exhibit the same persons, as debtors on discounted notes and debtors as discounters of Bills of Exchange, and make themselves able, by adding them together, to exhibit what the debtors of the other Banks owed under the same circumstances. The unfairness will be manifest, when you take the case of a merchant who has shipped his goods to market and received an account of sales, with the acceptance of the house at sight, and he discounts this Bill with the Bank, should such discount be added to his notes under discount, when another owes the money, and is bound in the first instance to pay it. It is the same case when he sells his goods, or the farmer or manufacturer sell their products to the trader, and takes acceptances on time, which they discount; or when they ship their property and take the acceptance of the Commission Merchant, and sell it to the Bank. There can be no safe rule other than the sound discretion of a competent Board of Directors as to the discount of Bills of Exchange by a Bank, because it may have payments to make, or funds to provide, at a particular place, and there may be no other Bills offered for discount, or the Bills of no other than those persons, whose accounts amount to the limit fixed, and beyond which no discretion is permitted the Directory, and that too when they know the Bills are good beyond a doubt. No farmer, manufacturer, trader or merchant, with thousands of such good Bills, could procure a dollar from a Bank, and must fail or suffer what mercy the money shaver bestows on those who are necessitated to yield to his tender sympathies.

There is but one period of the year when much is done in this description of Exchange, and the Banks are compelled to avail themselves of the good bills that offer, and use a sound discretion in the purchase; and they have reason to know, that in the instances selected by the Committee, that it was properly exercised, for one of those accounts is now reduced a third, and the other a half, and in a few weeks will be discharged, so far as regards Bills of Exchange. There is a difference, in different Banks, as to the manner of keeping accounts as to discounters of Bills of Exchange, which would make all immaginable difference in the exhibition of those accounts in reports; for instance, the Bank of Kentucky opens the account with persons

who offer the Bill, and the money goes to his credit, notwithstanding there are subsequent endorsers on the Bill; and some other Banks open the account with the last endorser, and the money goes to his credit, and by this mode any amount of money could be obtained, by keeping the books in that way, without exciting the least suspicion on the face of the report, by adding to the account of payers of notes discounted the account of Bills of Exchange discounted.

The second position in which the Committee present the business of the principal Bank, in order to induce a belief that the accounts of the Directory, and individuals, are excessive, is as unjust and unfair to the Bank as the mode in which the accounts of individuals are aggregated, with the debts of others. They state the capital of this Bank at one million four hundred and seventy nine thousand two hundred and thirty four dollars, and that the aggregate amount of which the President and Dirictors, with the firms of which they are composed, owe on the Bill and note line, and the aggregate amount from fifty of the largest debtors upon accommodation and business paper, and discounters of Bills of Exchange, with the deferred and suspended debt, is $1,442,733; but they failed to state the whole business of the Bank was upwards of $2,576,000, and, therefore, that the Bank had made investments, and furnished accommodation to others, to the amount of upwards of $1,134,000; and in this statement, when they desire to create the belief that a few persons have all the money, they diminish the capital to $1,479,234; but when they wish to show that Shelby county, a great part of which is nearer Frankfort than Louisville, ought to be accommodated at Louisville, they add $1,000,000 of State stock, paid in five per cent. bonds, not one cent of which is available as Bank capital, and increase this Bank's capital to $2,479,234. We deem comment on these facts unnecessary.

The next charge brought against the Bank of Kentucky, is in the fact disclosed in answer to the request to furnish a table of fifty of the largest debtors to the Bank on Bills of Exchange, from which table it appeared the largest debtor the Bank had, as payer of Bills of Exchange, owed $71,000. This led to a verbal request by the Committee to be furnished with the record of the proceedings of this Board as to creation of that account, which the Committee on the part of the Bank declined to give until they could consult the Board; then the Committee wrote out and left their written request, signed by their two Chairmen, and quit the institution. When the Board were convened and passed the resolution which the Committee have embodied in their report, with which they were furnished by the Cashier, and they came to the Bank and looked at the account, and saw the *names* of all the *payers*, *acceptors* and *endorsers*, and left with the Cashier, one Director only being present, the note which they have published, and in which they deny that they called for the *names* of the debtor, of which denial the candid public are left to think as they please. The impropriety of the disclosure was manifest next day, when the *name* of the House was known through the city, and several Bills with their names could not be negotiated. The Committee found the acceptors were good, and the Bills were negotiated by various customers of the Bank, there being twenty seven solvent persons on the different Bills besides the acceptors. More than $21,000 of those Bills have been paid, and there exists no doubt as to the payment of the residue when they shall mature. The account will be closed within the

next sixty or ninety days; and your memorialists regret that the Committee have not found, in the number of good and solvent persons owing that account, and that they have been discounted by various persons, and accepted by a strong House in which the public had great confidence, a sufficient justification to the Directors, and another evidence, that the sound discretion of a competent Board is the only safeguard that can be placed on the purchase of Exchange.

Your memorialists now approach the last charge the Committee have brought against the Bank of Kentucky; that is, the removal of $50,000 of the capital of the Maysville Branch to the Frankfort Branch, and an order for the removal of $50,000 more to the Branch at Danville, which removal the Maysville Branch was given to understand would be made, by the letter of W. H. Pope, the late President of the Bank, under date of 30th July, 1839, part of which the Committee quoted in their report.

By the 11th section of the charter of the Bank of Kentucky, it is declared "the amount of capital which shall be employed in the Principal Bank and Branches, shall be under the control of the President and Directors of the Principal Bank, so as to employ the same most advantageously to the stockholders and to the community." To which, the only limitation is, that not more than two fifths of the capital shall be employed in the city of Louisville, without the authority of the Legislature; and that the million of State bonds shall not be considered capital for distribution, until sold and the money received. This provision of the original charter, the Committee consider and alledge to be dangerous to the sections of the State where the branches are located. There was great care taken when the original charter was granted, to place that portion of it on a just and proper foundation, and much jealousy was manifested as to what should be the provision. It was solemnly agreed, that Louisville should have two fifths of the capital and the branches the other three fifths; and that the President and Directors of the Principal Bank should have the control of the amount to be employed in the Branches, so as to employ the same the most advantageously to the stockholders and to the community. The Legislature which formed the charter justly considering the President and Directors of the Principal Bank would be stockholders, and have their interests at heart, and as citizens and residents of Louisville, would have no interest to oppress the citizens of any one section of the State for the advantage of an other; and the public faith of the State being so pledged, individuals have subscribed, purchased, and now hold the stock, and this provision now forms a part of the contract between the stockholders and the State, and ought not be changed without their consent. The danger of an abuse of that power, will not warrant a violation of the contract on the part of the Legislature. The Committee refer, in their report, to the correspondence between the Principal Bank and the Maysville Branch, and decide that the grounds of removal are not sufficient. Now, it was to the control of this Board, that the charter confided the amount of capital that should be employed in the branches, so as to be most profitable to the stockholders and the community, and it was to *their* discretion, and not to the Maysville Directory, nor to the Committee of the Legislature, the matter was submitted; nor have the Maysville Directory, or the Committee of the Legislature, any power, by the charter, to revise the acts of this Board.

This Bank did not place the cause of removal on the *sole* ground, that a

greater rate of profit could be made at Frankfort than at Maysville, nor on the ground that the money would be more safe at Frankfort than at Maysville. They had seen the discount line of the Maysville Branch stand thus:

On the 1st January, 1838, about - - - -	$617,101
On the 1st January, 1839, - - - -	721,153
On the 1st January, 1840, - - - -	512,712

And the amount of Bills of Exchange held by the Maysville Branch, at the same periods, to stand thus:

On the 1st January, 1838, - - - -	$154,356
On the 1st January, 1839, - - - -	182,219
On the 1st January, 1840, - - - -	128,600

And on the 1st July, 1840, their notes under discount was $528,715, and their Bills of Exchange was $86,000, and many of the accounts stationary, and no efforts of this Board could produce the proper calls on the debts, due to the Branch, in order to sustain the circulation, nor the investments of a due proportion of the business of the Bank in Exchange, in order to supply the people a proportion of Eastern funds, and discharge the balances against the State, and keep down the price of Exchange; and that with a capital of $550,000, the entire business of the Branch, on the 2d September, the time of removal, only exceeded its capital $94,000, a sum not much more than equal to the payment of the expenses of the Branch; and finding that they could spare $50,000 to the Frankfort Branch, where it could be profitably engaged in Exchange, they made the order for that purpose, and the capital was removed without diminishing the accommodations to the citizens in the Branch district a single cent in the discount or in the Bill line: and they also ordered a farther removal of $50,000 of the capital of the Maysville Branch to Danville, by the 1st of January, 1841—and the removal of which they postponed until the 1st of July next, in order that the removal might not prejudice the customers of the Maysville Branch. The Committee could have reported that the profits of the Maysville Branch had been gradually reduced, and that for the six months, ending the 1st July, 1840, as well as the six months preceding, it was only 3½ per cent for each six months. This Board has but little confidence in the statistics furnished by the Maysville Branch, and know very well that more favorable statistics exist for an increase of capital in the southern portion of the State; they also know statistics may be forced, by adding and taking off counties to suit any view it is desirable to present. In the year 1839, this Board had, through the agency of the other Branches, withdrawn the greater part of the circulation of the Maysville Branch, and by that measure had saved that Bank from the heavy runs for specie which her exposed situation subjected her to, and yet they could not induce her to make her business active, and secure a proper portion of Exchange; and were induced to believe that the change of times had so operated, that the amount of capital could no longer be as profitably employed, as the interest of the stockholders and community required, and they knew that it could be profitably invested at the Frankfort Branch, and believed that if the Kentucky river navigation succeeded, that both Frankfort and Danville would require, and could profita-

bly use the spare capital from the Maysville Branch; and they assure your honorable bodies that they were actuated by no design of depriving that section of the country, in the Maysville Branch district, of any portion of the benefits derivable from a proper proportion of banking capital of the State, and they have no desire to furnish to the Frankfort and Danville districts more than they believed they could profitably employ.

Your memorialists know that the Legislature claim the charters of the Banks are forfeited, and they may restore them with such amendments as they deem advisable, yet they know that the Legislature deems the cause of suspension a sufficient justification of the Banks, and if the State, and the other customers of the Bank, had met the crisis by the necessary sacrifices, and discharged their debt to the Bank, that they would have continued to pay specie, and the Legislature could not have touched the charter without their consent. The Bank of Kentucky has advanced a portion of the funds to pay the January installment of the State debt, for the purpose of sustaining the public faith of the State, after the past Legislature had failed to provide the necessary funds, and has at all times given aid and assistance to the State when required at her hands, and now submits to the representatives of the people, whether they will restore the charter without alterations, changing the original contract in essential particulars, or whether they will alter the charter and shake the confidence of the stockholders in the safety and permanency of their investment.

All of which is respectfully submitted.

VIRGIL McKNIGHT, *Prest.*
A. GRAY,
GEO. KEATS,
D. S. BENEDICT,
JAS. GUTHRIE,
W. B. PHILIPS,
W. H. POPE.

Mr. Buckner moved a re-consideration of the vote ordering the Public Printer forthwith to print 150 copies of said memorial for the use of the members of the General Assembly.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Bullock and Vance, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Botts,	Gray,	Paris,
Brien,	Harrison,	Perciful,
Bruton,	Haydon,	Smith, H. H.
Buckner,	Hays,	Snyder,
Bush,	Hazlerigg,	South,
Calhoon,	Howard,	Speed,
Chilton,	Lackey,	Stephens, N. B.
Combs,	Lair,	Thomas,
Craddock,	Marshall, C. A.	Thomasson
Cunningham,	McHenry,	Triplett,

Davidson,	Mitchell,	Waring,
Fletcher,	Nance,	Watkins,
Forman,	Newell,	Wortham—40.
Goble,		

Those who voted in the negative were—

Mr. Speaker,	Graham,	Riffe,
Messrs. Adams,	Haggard,	Rowlett,
Atkinson,	Harding,	Rudd,
Brent,	Hardin,	Shuck,
Bullock,	Hart,	Skiles,
Caldwell,	Hawkins,	Sprigg,
Chenault,	Imboden,	Stevens, J.
Clay,	Innes,	Taylor,
Cofer,	Johnson,	Thompson,
Colyer,	Kirtley,	Trussell,
Crenshaw,	Latimer,	Vance,
Curd,	Loving,	Wakefield,
Curle,	Mason,	Watts,
Draffin,	Morgan,	White,
Ford,	Park,	Williams,
Gabbert,	Raymon,	Woodson—50.
Goodson,	Reeves,	

A bill from the Senate, entitled, an act for the benefit of the heirs of J. B. Connally, deceased,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Speed, from the select committee who were appointed to prepare and bring in the same—reported a bill to incorporate the Nelson County Mutual Insurance Company.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with, it was referred to the committee for Courts of Justice.

The House again resumed the consideration of the bill dispensing with the Board of Internal Improvement, and for other purposes.

The 13th section of said bill, as amended by Mr. McHenry, was read, as follows, viz:

SEC. 13. *Be it further enacted*, That any Treasurer, President, or other officer of the different incorporated companies whose duty it is to make reports, or pay over money, and who shall fail to make said reports, or pay over said money, as required by law, or this act, shall be subject, for every

such failure, upon motion made by the Superintendent, without notice, in the General Court, on the third day of the next succeeding term, to a fine of one hundred dollars.

Mr. Sprigg then moved to amend said bill by striking out said section.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Snyder, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Botts, Sprigg—2.

Those who voted in the negative were—

Mr. Speaker,	Graham,	Raymon,
Messrs. Adams,	Gray,	Reeves,
Atkinson,	Haggard,	Riffe,
Brent,	Harding,	Rowlett,
Brien,	Hardin,	Rudd,
Bruton,	Harrison,	Shanks,
Buckner,	Hawkins,	Shuck,
Bullock,	Haydon,	Skiles,
Bush,	Hays,	Smith, H. H.
Caldwell,	Hazlerigg,	Snyder,
Calhoon,	Howard,	South,
Chenault,	Imboden,	Speed,
Chilton,	Innes,	Stephens, N. B.
Clay,	Johnson,	Stevens, J.
Cofer,	Kirtley,	Taylor,
Colyer,	Lackey,	Thomas,
Combs,	Lair,	Thomasson,
Craddock,	Latimer,	Thompson,
Crenshaw,	Loving,	Towles,
Cunningham,	Marshall, C. A.	Triplett,
Curd,	Marshall, W. C.	Trussell,
Curle,	Mason,	Vance,
Davidson,	McHenry,	Wakefield,
Draffin,	Mitchell,	Waring,
Fletcher,	Morgan,	Watkins,
Ford,	Nance,	Watts,
Forman,	Newell,	White,
Gabbert,	Paris,	Williams,
Goble,	Park,	Woodson,
Goodson,	Perciful,	Wortham—90.

Mr. Fletcher then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bruton,	Hazlerigg,	Smith, H. H.
Bush,	Howard,	Snyder,
Calhoon,	Imboden,	South,
Chilton,	Johnson,	Stephens, N. B.
Combs,	Lair,	Stevens, J.
Curd,	Mason,	Taylor,
Fletcher,	McHenry,	Thomasson,
Goodson,	Mitchell,	Triplett,
Graham,	Nance,	Waring,
Haggard,	Paris,	Watts,
Harrison,	Park,	Williams,
Haydon,	Reeves,	Woodson—38.
Hays,	Rowlett,	

Those who voted in the negative were—

Mr. Speaker,	Draffin,	Perciful,
Messrs. Adams,	Ford,	Raymon,
Atkinson,	Forman,	Riffe,
Botts,	Gabbert,	Rudd,
Brent,	Goble,	Shanks,
Brien,	Gray,	Shuck,
Buckner,	Harding,	Skiles,
Bullock,	Hardin,	Speed,
Caldwell,	Hawkins,	Sprigg,
Chenault,	Innes,	Thomas
Clay,	Kirtley,	Thompson,
Cofer,	Lackey,	Towles,
Colyer,	Latimer,	Trussell,
Craddock,	Loving,	Vance,
Crenshaw,	Marshall, C. A.	Wakefield,
Cunningham,	Marshall, W. C.	Watkins,
Curle,	Morgan,	White,
Davidson,	Newell,	Wortham—54.

Mr. Sprigg then moved the following as a substitute for said bill, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the Board of Internal Improvement shall consist of a President and two members, and they shall be chosen in the same manner as is now directed by law; and in the selection of them the Governor shall have full discretion to select for nomination to the Senate, any competent citizen of this Commonwealth.

SEC. 2. *Be it further enacted*, That before entering upon the performance of their duties, in addition to the oath they are now required to make, they shall each execute a bond to the Commonwealth of Kentucky, with good

and sufficient security, to be approved of by the Governor, in the penalty of $20,000, conditioned that he will faithfully apply all moneys which may come to his hands, to be disbursed for internal improvement purposes, to the very purpose for which he received it.

Sec. 3. *Be it further enacted*, That it shall be the duty of the Governor, upon the receipt of any money procured for internal improvement purposes, to have the same audited in the Auditor's office, as other funds are audited, and placed in the Treasury of the State. It shall be the duty of the Board of Internal Improvement hereafter, in drawing requisitions upon the Auditor, to state the consideration of the requisition, and the line of public works upon which the service had been rendered by the person in whose favor it is drawn.

Sec. 4. *Be it further enacted*, That hereafter it shall be the duty of the Auditor and Treasurer, in their reports of receipts of Internal Improvement Fund and Sinking Fund, to state the day when the money or funds received under each head was received; and under the head of warrants issued and warrants paid out of each of said funds, the Auditor shall name the date of the warrant issued, and the person to whom issued; and the Treasurer shall name the day when the warrant was paid, and to whom paid.

Sec. 5. *Be it further enacted*, That hereafter, the Board of Internal Improvement, and the Auditor and Treasurer, as to the receipts into the Treasury of Internal Improvement Fund, and warrants drawn upon and paid out of that fund, shall make their several reports to the Legislature, at each annual session, on the eighth day after the day fixed by law for the meeting of the Legislature.

Sec. 6. *Be it further enacted*, That it shall be the duty of the Board of Internal Improvement, jointly or severally, as may appear most suitable and conducive to the interests of the State, to vote for Directors in each Turnpike Company in which the State holds stock; and on those roads in the construction of which the State has subscribed for and paid two dollars for every dollar subscribed and paid by individuals, corporations or companies, the Board shall be entitled to vote for two Directors at least, and it shall be their duty to insist upon this right, and to exercise it.

Sec. 7. In the direction and management of the different turnpike roads it shall be the duty of the Directors on the part of the State in each Turnpike Company, and also, of the Directors elected by the other stockholders in each turnpike road wherein the State holds stock, to require of each toll gate keeper employed by the several directories of the said several roads to keep an account of all the money he may receive on each day throughout the time he serves as toll gate keeper; and to require of him to exhibit his account of receipts, and pay into their respective treasuries the moneys received by him, at the end of every month.

Sec. 8. *Be it further enacted*, That the Board shall require of the Directors in Turnpike Companies to make to them quarterly statements of the receipts of tolls at each toll gate on the said turnpikes, and keep a record thereof; and also, make to them quarterly statements of the sums expended for repairs and expenses, and of the sums contracted to be paid; and it shall be the duty of the said Board to communicate the substance of said statements to the General Assembly, in their annual report to the same.

Sec. 9. *Be it further enacted*, That the different local Boards of the dif-

ferent incorporated Road Companies in which the State is a stockholder, shall require of their respective Treasurers, before they enter into the duties of Treasurer, to execute to the President and Directors of the particular company, a bond, in such penalty as may seem proper, with good security thereto, conditioned that he will faithfully pay to the company all moneys received by him as their Treasurer, and that he will faithfully discharge all the duties enjoined on him as Treasurer; and it shall be the duty of the local Boards to inform the Board of Internal Improvement of the name of their several Treasurers, and of their securities; and the Board of Internal Improvement shall preserve all such communications in their office. And the several Treasurers to the different Turnpike Companies, shall make at least quarterly settlements with the local Boards, and after an examination of the vouchers for money paid out by said Treasurer, and the money still in the hands of said Treasurers, the said Board shall give duplicate receipts for the amount of vouchers taken in, and the Treasurers shall transmit by mail one of said receipts, and the Board shall transmit an abstract of the settlements to the Board of Internal Improvement.

SEC. 10. *Be it further enacted*, That in case the contractors on any one line of public works refuse to accept of the State Bonds now authorized to be sold, or which may be hereafter authorized by law to be sold, to carry on the system of internal improvements, or in case the government fails to procure other necessary means to pay contractors on the public works generally, the Board of Internal Improvement shall dispense with all persons employed by them on any such line of public works, and shall adopt such measures as are necessary to preserve the works thus suspended on such line of works from injury or decay.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Governor and Treasurer to notify the Board of Internal Improvement of the amount of funds now on hand, and of the amount which may be on hand at the end of every month hereafter; and if, in the opinion of the Governor and of the Board of Internal Improvement, they are convinced that by the diffusion or distribution of the funds within their power, or which they with certainty expect to obtain, the progress to a speedy completion of the works nearest advanced to completion, will or may be retarded, they shall cause all other works to be suspended until the next annual session of the Legislature of the State.

SEC. 12. *Be it further enacted*, That for the present year, the salary of the Secretary of the Board shall be seven hundred dollars, and no more; and the members of the Board shall hereafter be allowed no per diem, unless for service rendered at the request of the President of the Board; and the President shall not omit to visit any of the public works which it may be in the line of his duty to visit. And it shall be the duty of the members of the Board to attend to the requests of the President.

SEC. 13. *Be it further enacted*, That there shall not hereafter, at any time, be in the employ of the Board, more than three Engineers.

SEC. 14. *Be it further enacted*, That the office of Chief Engineer of this State be, and the same is hereby, abolished.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Gabbert, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Shanks,
Messrs. Adams,	Hardin,	Skiles,
Atkinson,	Hawkins,	Speed,
Botts,	Innes,	Sprigg,
Brent,	Latimer,	Thomas,
Bullock,	Loving,	Thompson,
Chilton,	Morgan,	Trussell,
Colyer,	Newell,	Vance,
Draffin,	Raymon,	White—29.
Forman,	Rowlett,	

Those who voted in the negative were—

Messrs. Brien,	Haggard,	Perciful,
Bruton,	Harding,	Reeves,
Buckner,	Hart,	Riffe,
Bush,	Haydon,	Rudd,
Caldwell,	Hays,	Shuck,
Calhoon,	Hazlerigg,	Smith, H. H.
Chenault,	Howard,	Snyder,
Clay,	Imboden,	South,
Cofer,	Johnson,	Stephens, N. B.
Combs,	Kirtley,	Stockton,
Craddock,	Lackey,	Taylor,
Crenshaw,	Lair,	Thomasson,
Cunningham,	Marshall, C. A.	Towles,
Curd,	Marshall, W. C.	Triplett,
Fletcher,	Mason,	Wakefield,
Ford,	McHenry,	Waring,
Goble,	Mitchell,	Watkins,
Goodson,	Nance,	Watts,
Graham,	Paris,	Williams,
Gray,	Park,	Woodson—60.

The question was then taken on ordering said bill to be engrossed and read a third time, as amended, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Vance and Gabbert, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Atkinson,	Gray,	Reeves,
Brien,	Haggard,	Riffe,
Bruton,	Harding,	Rowlett,
Buckner,	Hardin,	Rudd,
Bush,	Hart,	Shanks,

Caldwell,	Haydon,	Shuck,
Calhoon,	Hays,	Smith, H. H.
Chenault,	Hazlerigg,	Snyder,
Chilton,	Howard,	South,
Clay,	Imboden,	Stephens, N. B.
Cofer,	Johnson,	Stockton,
Combs,	Kirtley,	Taylor,
Craddock,	Lackey,	Thomasson,
Cunningham,	Lair,	Towles,
Curd,	Marshall, W. C.	Triplett,
Draffin,	Mason,	Wakefield,
Fletcher,	McHenry,	Waring,
Ford,	Mitchell,	Watkins,
Gabbert,	Nance,	Watts,
Goble,	Park,	Williams,
Graham,	Perciful,	Woodson—63.

Those who voted in the negative were—

Mr. Speaker,	Hawkins,	Skiles,
Messrs. Adams,	Innes,	Speed,
Botts,	Latimer,	Sprigg,
Brent,	Loving,	Thomas,
Bullock,	Marshall, C. A.	Thompson,
Colyer,	Morgan,	Trussell,
Crenshaw,	Newell,	Vance,
Forman,	Paris,	White—26.
Goodson,	Raymon,	

Mr. Calhoon then moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased—were twice read, and concurred in.

And then the House adjourned.

THURSDAY, FEBRUARY 4, 1841.

Mr. Kirtley presented the petition of sundry citizens of Edmonson county, praying that an election precinct in said county may be abolished.

Which was received, the reading thereof dispensed with, and referred to Messrs. Kirtley, Haggard, Watts, Reeves and Harrison.

Mr. Woodson, from the committee on Propositions and Grievances, to whom was referred the petition of Andrew Burnett—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Woodson, from the same committee, to whom was referred the petition of sundry citizens of Warren county, praying that the Secretary of State be compelled to give copies of certain papers on file in his office—asked leave to be discharged from the further consideration thereof; which was granted.

Ordered, That said petition be referred to the committee for Courts of Justice.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act for the benefit of the late and present Sheriffs of Lewis county.

An act to repeal an act, entitled, an act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditors office.

An act further to regulate the Shelby and Franklin County Turnpike Companies.

An act for the benefit of Joel Thomasson.

With amendments to the two last named bills.

That they had passed bills of the following titles, viz:

An act to amend the law concerning appeals and writs of error.

An act to allow Jonathan Davidson a change of venue.

An act concerning the Goose Creek Salt Works road, in Knox county.

An act concerning the town of Russellville.

An act to legalize the proceedings of Trimble County Court held in December, 1841.

An act to incorporate the Lexington Hotel Company.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

An act to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved Feb'y 5, 1840.

An act to establish the fire department of the city of Louisville.

An act to amend the law concerning the town of Hardinsburgh, and for other purposes.

An act to amend the law of last session relating to idiots and lunatics.

An act to change the time of holding the Campbell County Courts, and for other purposes.

An act for the divorce of Albert G. Young, and Catharine N. Young, his wife. Approved February 2, 1841.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

1. An act granting a change of venue to James S. McCauley.

2. An act for the benefit of the widow and heirs of Jacob C. Butler, deceased.

3. An act for the benefit of the Morgan and Laurel County Courts.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Calhoon, from the same committee, to whom was referred a bill to consolidate and regulate certain lottery grants within this Commonwealth—reported the same with an amendment as a substitute for the original bill, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

On motion,

Ordered, That said bill, as amended, be referred to the committee for Courts of Justice.

Mr. McHenry, from the same committee, to whom was referred a bill from the Senate, entitled, an act to authorize James Quiett to qualify as High Sheriff of Nicholas county, and for other purposes—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative.

And so the said bill was disagreed to.

Mr. McHenry, from the same committee, to whom was referred a bill to amend the law in relation to suits of slander—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. McHenry, from the same committee, to whom was referred a bill to amend and reduce into one the several acts to ascertain the boundaries and for processioning lands—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

Mr. Towles moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time.

On motion of Mr. Davidson,

Ordered, That said bill be laid on the table.

Mr. McHenry, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the several acts for the benefit of Religious Societies in this Commonwealth, and the amendments proposed to said bill—reported the same, with the opinion that the first amendment be concurred in, and the second rejected; which report was concurred in.

The said bill, as amended, reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for any society or sect of christians mentioned in the act, entitled, an act for the benefit of Religious Societies in this Commonwealth, approved February 1, 1814, to acquire and hold, through the medium of Trustees, and under such restrictions and regulations as are prescribed in said act, one or more lots of land, for the purpose of having or erecting thereon a parsonage house, with a kitchen, smoke house, and such other buildings appurtenant thereto, as said society may deem proper and useful, together with a garden, pasture lot, &c. which they may choose to attach to or connect with said parsonage house: Provided, that the quantity of land so to be acquired and held in virtue of the provisions of this act shall not exceed fifty acres.

SEC. 2. *Be it further enacted*, That it shall be lawful for such society to cause their Trustees aforesaid to sell and convey the land, or any part thereof, heretofore or hereafter acquired in virtue of this act, and the before recited act, and the proceeds thereof apply in such manner as said society may direct: Provided, that in case of any schism or division in said society, from any other cause than the immorality of its members, nothing in this act shall be so construed as to authorize said Trustees to sell and convey said land, or any part thereof, without the concurrent requisition of both or all of the parties into which said society or church may be so divided: Provided, that nothing in this act contained shall be so construed as to exempt the lands hereby authorized and required from taxation; but they shall be taxed as other lands in this Commonwealth.

Mr. Sprigg then moved to lay said bill on the table.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Speed and Craddock, were as follows, viz :

Those who voted in the affirmative were—

Messrs. Atkinson,	Haggard,	Raymon,
Brien,	Harding,	Riffe,
Bruton,	Harrison,	Rowlett,
Bush,	Hart,	Rudd,
Caldwell,	Hawkins,	Shanks,
Chenault,	Haydon,	Shuck,
Chilton,	Hazlerigg,	Snyder,
Cofer,	Howard,	Speed,
Colyer,	Imboden,	Sprigg,
Combs,	Innis,	Stephens, N. B.
Crenshaw,	Johnson,	Stockton,
Cunningham,	Kirtley,	Taylor,
Curd,	Lackey,	Thomasson,
Draffin,	Lair,	Triplett,
Fletcher,	Latimer,	Wakefield,
Ford,	Loving,	Waring,
Forman,	Marshall, W. C.	Watts,
Gabbert,	Mason,	White,
Goodson,	Nance,	Williams,
Graham,	Paris,	Wortham—62.
Gray,	Park,	

Those who voted in the negative were—

Messrs. Adams,	Goble,	Skiles,
Botts,	Hardin,	Smith, H. H.
Brent,	Hays,	Stevens, J.
Buckner,	McHenry,	Thompson,
Bullock,	Mitchell,	Towles,
Calhoon,	Morgan,	Trussell,
Clay,	Newell,	Vance,
Craddock,	Perciful,	Watkins,
Davidson,	Reeves,	Woodson—27.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz :

By the committee on Propositions and Grievances—A bill for the benefit of the Jailor of Gallatin county.

By the committee on Claims—A bill for the benefit of Ambrose Kirtley.

By the committee for Courts of Justice—A bill for the benefit of the Methodist and Baptist Churches in the town of Hardinsburg.

By same—A bill for the benefit of John Loving.

By same—A bill to amend an act, entitled, an act to establish the town of Walton, and for other purposes, approved January 21, 1840.

By same—A bill for the benefit of Lydia Riley.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The House then took up for consideration the bill to authorize the purchase and funding of the Six Year State Bonds.

Amendments being offered thereto,

Ordered, That the further consideration of said bill be postponed for the present.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wakefield—1. A bill to authorize the Trustees of the Baptist Church in the town of Taylorsville to sell their meeting house, and for other purposes.

On the motion of Mr. Johnson—2. A bill to amend the laws concerning Georgetown.

Ordered, That Messrs. Wakefield, A. Harding, Vance and Rudd prepare and bring in the 1st; and the committee for Courts of Justice the 2d.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill to consolidate and regulate certain lottery grants within this Commonwealth—reported the same without amendment.

Ordered, That said bill be re-engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being re-engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the Senate, of the following titles, viz:

1. An act for the divorce of Wm. Wilson.

2. An act for the benefit of Thos. B. Magowan, Jailor of Fayette county.

3. An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting House in Shelby county.

4. An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

5. An act to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.

6. An act to amend an act, entitled, an act giving to officers, and crews, and mechanics and others, a lien on steamboats.

7. An act to authorize the re-binding of record books in the Clerks' offices of Hardin county.

8. An act authorizing certain records, &c. of the Clarke County Court to be transcribed.

9. An act for the benefit of Joseph Gillis.

10. An act for the benefit of the Sheriff of Clay county.

11. An act for the benefit of Sarah Scroggin.

12. An act to amend the laws incorporating the town of Hickman.

13. An act for the benefit of Lyman Martin, committee of Julian Montague.

14. An act to authorize the County Court of Union to lay an additional tax.

15. An act for the benefit of George J. Brown, and others.

16. An act to establish an election precinct in the county of Carter.

17. An act for the benefit of the Clerks of the Hickman Circuit and County Courts.

18. An act to amend the law concerning awards.

19. An act to authorize the purchase of a fire engine and hose for the protection of the property of the State at the seat of government.

20. An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.

21. An act concerning exceptions to depositions.

22. An act to establish the town of Milburn, in the county of Hickman.

23. An act to amend the law concerning the writ of certiorari, and for other purposes.

24. An act for the benefit of Edmund Oakley, committee of America Oakley, an idiot.

25. An act for the divorce of Andrew Woods.

26. An act for the divorce of Elizabeth Ann Doty.

27. An act to incorporate the Lexington Hotel Company.

28. An act to amend the law concerning appeals and writs of error.

29. An act to allow Jonathan Davidson a change of venue.

30. An act concerning the Goose Creek Salt Works road, in Knox county.

31. An act concerning the town of Russellville.

32. An act to legalize the proceedings of the Trimble County Court, held in December, 1840.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, 25th and 26th were referred to the committee on Religion; the 2d, 10th, 13th and 19th to the committee on Ways and Means; the 4th, 5th, 6th, 7th, 8th, 11th, 12th, 15th, 18th, 20th, 21st, 22d, 23d, 27th, 28th, 29th and 31st to the committee for Courts of Justice; the 9th, 14th, 16th, 17th and 32d were severally ordered to be read a third time; the 24th was referred to the committee on Claims; and the 30th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 9th, 14th, 16th, 17th and 32d bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Calhoon moved a re-consideration of the vote passing a bill to consolidate and regulate certain lottery grants within this Commonwealth.

And the question being taken thereon, it was decided in the affirmative.

Mr. Bush then moved a re-consideration of the vote dispensing with the third reading; and also the vote ordering said bill to be engrossed and read a third time.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then, on the motion of Mr. Sprigg, amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

Mr. Draffin then moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hays and Gabbert, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Draffin,	Raymon,
Messrs. Adams,	Ford,	Riffe,
Botts,	Forman,	Rowlett,
Brent,	Gabbert,	Shuck,
Buckner,	Hardin,	Skiles,
Bullock,	Hawkins,	South,
Bush,	Innes,	Speed,
Calhoon,	Johnson,	Sprigg,
Chenault,	Lackey,	Stockton,
Chilton,	Latimer,	Taylor,
Clay,	Marshall, C. A.	Thomasson
Cofer,	Marshall, W. C.	Thompson,
Combs,	Mason,	Triplett,
Crenshaw,	McHenry,	Wakefield,
Cunningham,	Mitchell,	Watts,
Curd,	Park,	Williams,
Curle,	Perciful,	Woodson—51.

Those who voted in the negative were—

Messrs. Atkinson,	Harding,	Paris,
Brien,	Hays,	Smith, H. H.
Bruton,	Hazlerigg,	Stephens, N. B.
Caldwell,	Howard,	Stevens, J.
Colyer,	Imboden,	Trussell,
Craddock,	Lair,	Vance,
Davidson,	Marshall, W. N.	Waring,
Goodson,	Morgan,	Watkins,
Graham,	Nance,	White—29.
Gray,	Newell,	

Resolved, That the title thereof be as aforesaid.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of Joel Thomasson—were taken up, twice read, and concurred in.

The House then took up for consideration the bill against usury.

Mr. Crenshaw proposed an amendment to said bill.

And then the House adjourned.

FRIDAY, FEBRUARY 5, 1841.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of the Sheriffs and Clerks of this Commonwealth.

An act for the benefit of Susannah Shacklett.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of Alvis R. Harris, and for other purposes.

An act to divorce Patience Murray.

An act to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1st, 1836.

An act for the divorce of Elizabeth Bacchus.

An act for the benefit of Wm. A. Bowdon.

An act to establish an election precinct in the county of Hardin, and for other purposes.

An act to amend an act, entitled, an act for the benefit of the heirs of Wm. Taylor, deceased, approved February 4, 1840.

An act for the benefit of the administrator and heirs of Benjamin Lancaster, dec'd.

An act to allow an additional Justice of the Peace and Constable to Pike county.

With amendments to the two last named bills.

That they had passed bills of the following titles, viz:

An act for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.

An act allowing more time to the Hardin Circuit Court, and for other purposes.

An act to legalize the proceedings of the Spencer County Court.

Mr. Goble presented the petition of sundry citizens of Lawrence county, against the formation of a new county out of parts of said county and the counties of Floyd and Morgan.

Which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

The House then took up for consideration the resolution fixing a day for the final adjournment of the Legislature.

Mr. Calhoon moved to amend said resolution by striking out the 12th of February.

And the question being taken thereon it was decided in the affirmative.

Mr. Buckner then moved to fill the blank in said resolution with "18th of February."

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill increasing the jurisdiction of Justices of the Peace—reported the same without amendment.

The said bill being amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the jurisdiction which Justices of the Peace now possess, they shall have original jurisdiction of all sums above fifty dollars, and not exceeding one hundred dollars, where the debt or balance of the debt, exclusive of interest, shall not exceed that sum, founded on any specialty, bill or note in writing, or account; and that the proceedings in such cases, whether before the Justice, or on appeal to the Circuit Court, shall in every respect be governed by the laws applicable to like cases where the amount is above five pounds, but does not exceed fifty dollars.

Be it further enacted, That whenever the Constable to whom any execution is directed, shall return thereon in substance, that no goods or chattels can be found sufficient to satisfy the same, or any part thereof, it shall be the duty of the Justice of the Peace by whom the judgment on which the execution so returned issued was rendered, on the application of the plaintiff or plaintiffs in the execution, to make out and certify a full and complete copy of the proceedings in such case, commencing with the warrant, and ending with the execution and Constable's return thereon, and deliver the same to the plaintiff or plaintiffs, who may thereupon deliver the copy so made out and certified to the Clerk of the Circuit Court of the same county; and it shall be the duty of the Clerk to file and preserve the same in his office, and upon which no execution shall be thereafter issued by the Justice on his judgment; but the Clerk shall, on the application of the plaintiff or plaintiffs, issue execution, in the same manner and under the same rules and regulations as if the judgment had been rendered by the Circuit Court; and the Circuit Court shall have the same power over the execution, and the Sheriff to whom it is directed, as if it had issued on a judgment of the court.

Be it further enacted, That it shall be the duty of the Sheriff to which any such execution as aforesaid may come, against the estate of the defendant or defendants, to levy the same on any personal property, slaves and lands belonging to the defendant or defendants, and in all respects proceed to make the money, in the same manner and subject to the same rules and regulations which govern in cases of execution upon judgments of the Circuit Court; and the purchase of land under any such execution shall take, by the Sheriff's deed, as perfect and complete title as if the execution had issued on a judgment of the Circuit Court: Provided, that for fraud or other irregularity for which a sale might be set aside, if made under an execution upon a judgment of the Circuit Court, it shall be lawful for the Circuit Court of the county in which the execution issued, to quash or set aside any sale that may be made under an execution herein authorized to issue: and provided, also, that nothing in this section or the section next preceding shall be construed to apply to any judgment of a Justice of the Peace, or execution, unless the judgment and execution amounts to at least five pounds, exclusive of costs.

Mr. Calhoon then moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Paris and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams, Atkinson, Brent, Buckner, Bullock, Caldwell, Calhoon, Chenault, Colyer, Combs, Craddock, Crenshaw, Davidson, Draffin, Forman, Goble, Goodson, Gray, Harding, Hardin, Hart, Hawkins, Haydon, Hays, Johnson, Latimer, Loving, Marshall, C. A. Marshall, W. C. McHenry, Morgan, Perciful, Reeves, Rudd, Shuck, Skiles, Snyder, Speed, Taylor, Thomasson, Thompson, Towles, Triplett, Trussell, White, Woodson—46

Those who voted in the negative were—

Mr. Speaker, Messrs. Brien, Bruton, Bush, Chilton, Clay, Cofer, Howard, Imboden, Innes, Kirtley, Lackey, Lair, Mason, Shanks, Smith, H. H. South, Stephens, N. B. Stevens, J. Stockton, Thomas,

Cunningham,	Mitchell,	Vance,
Curd,	Nance,	Wakefield,
Ford,	Newell,	Waring,
Gabbert,	Paris,	Watkins,
Graham,	Park,	Watts,
Haggard,	Raymon,	Williams,
Harrison,	Riffe,	Wortham—44.
Hazlerigg,	Rowlett,	

Mr. Crenshaw, from the same committee, to whom was referred a bill from the Senate, entitled, an act to change the time of holding the fall term of the Court of Appeals—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Caldwell and Riffe, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Forman,	Park,
Messrs. Adams,	Gabbert,	Perciful,
Atkinson,	Graham,	Raymon,
Bruton,	Harding,	Shanks,
Buckner,	Hardin,	Speed,
Bullock,	Harrison,	Stephens, N. B.
Bush,	Hawkins,	Stockton,
Calhoon,	Haydon,	Thompson,
Chilton,	Hazlerigg,	Towles,
Clay,	Innes,	Triplett,
Combs,	Loving,	Trussell,
Craddock,	Marshall, C. A.	Vance,
Crenshaw,	Marshall, W. C.	Watkins,
Curd,	Mason,	Watts,
Davidson,	Morgan,	White,
Draffin,	Paris,	Woodson—49.
Fletcher,		

Those who voted in the negative were—

Messrs. Brent,	Imboden,	Rudd,
Brien,	Johnson,	Shuck,
Caldwell,	Lackey,	Skiles,
Chenault,	Lair,	Smith, H. H.
Cofer,	Latimer,	South,
Colyer,	Marshall, W. N.	Taylor,
Cunningham,	McHenry,	Thomas,

Ford,	Mitchell,	Thomasson,
Goble,	Nance,	Wakefield,
Goodson,	Newell,	Waring,
Gray,	Reeves,	Williams,
Hays,	Riffe,	Wortham—41.
Howard,	Rowlett,	

Resolved, That the title thereof be as aforesaid.

Mr. Crenshaw, from the same committee, to whom was referred a bill to change the time of holding certain Circuit Courts in the 4th Judicial district—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Crenshaw, from the same committee, to whom was referred the petition of the heirs of Solomon Simpson, deceased, and the petition of the heirs of Wm. Skaggs, dec'd—reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which was concurred in.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to explain an act, entitled, an act to repeal (in part) the several acts concerning the town of South Frankfort, and for other purposes, approved January 4, 1841.

An act to amend an act, entitled, an act further to enforce the payment of State dividends declared by certain incorporated companies, and for other purposes.

An act to authorize the Judge of the second Judicial district to hold a special chancery term in the county of Campbell.

An act further to regulate the trial of Appeal cases in the Jefferson County Court.

An act further to regulate the Madison turnpike and Wilderness road.

An act to establish an election precinct in Greenup county, and for other purposes.

An act authorizing Reuben Collings and George W. Brewer to build a mill dam on Salt river.

An act authorizing Nicholas Porter to build a mill dam on Salt river.

An act allowing an additional Justice of the Peace to Bath county, and for other purposes.

An act to allow an additional Justice of the Peace to Mercer county, and for other purposes.

An act for the benefit of the widow and heirs of Thomas Robinson, dec'd.

An act to legalize the proceedings of the Garrard County Court, and for other purposes.

An act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.

An act for the benefit of the late and present Sheriffs of Lewis county.

An act for the benefit of Eliza Taylor.

An act for the divorce of Priscilla Ann Brown.

An act for the divorce of Sarah L. Gaines.

An act to divorce James Ware.

An act to amend an act, entitled, an act to amend the charter of the city of Covington, approved Jan. 4, 1841, and for other purposes.

An act concerning the Christian Church at Glasgow.

An act for the benefit of George W. Mansfield, and for other purposes.

An act for the benefit of Rosannah Boggess, of Muhlenburg county.

An act for the benefit of Mary Finch.

An act to divorce Margaret M. Pulliam.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. N. B. Stephens inform the Senate thereof.

On motion of Mr. Calhoon,

Ordered, That the memorial of the President and Directors of the Bank of Kentucky be referred to the committee on Banks.

On motion of Mr. Calhoon,

Ordered, That the report and resolutions from the Senate, relative to the demand on the Executive of New York by the Executive of Virginia, for the surrender of certain fugitives from justice—be referred to the committee for Courts of Justice.

Mr. Shuck, from the committee for Courts of Justice, to whom was referred the bill to prevent injury to turnpike roads—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ford, from the committee on Religion, to whom was referred the petition of John Scott and the petition of Sally Cully, each praying for a divorce—reported the same with the following resolution, viz:

Resolved, That said petitions be rejected; which was concurred in.

On motion of Mr. Vance—Leave was given to withdraw the petition of John Scott, and the petition was accordingly withdrawn.

Mr. Ford, from the same committee, to whom was referred the petition of Alice A. Price—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. C. A. Marshall moved to amend said resolution by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—A bill for the benefit of the heirs of Carter Tadlock, dec'd.

By same—A bill allowing a change of venue to Wilkins Derington.

By Mr. Davidson—A bill to repeal the law compelling the Justices of the Simpson County Court to hold courts in the months in which the Circuit Court is held.

By the committee for Courts of Justice—A bill for the benefit of the Trustees of the Baptist Church in the town of Shepherdsville.

By same—A bill for the benefit of the Clerk of the Oldham County Court.

By the committee on Religion—A bill to divorce Mary Edrington.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill to amend the several acts providing for internal improvements in the State of Kentucky—reported the same with amendments.

On motion,

Ordered, That said bill and amendments be referred to a committee of the whole House on this day.

The House then resolved itself into a committee of the whole—Mr. Thompson in the chair—on said bill and amendments; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson reported that the committee had, according to order, had under consideration the bill and amendments aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

SATURDAY, FEBRUARY 6, 1841.

1. Mr. Newell presented the petition of the heirs and administrator of Hezekiah Swinford, deceased, praying for the sale of some real estate to pay the debts.

2. Mr. Shanks presented the petition of James Jenkins, praying to be released from the payment of some taxes which had been improperly assessed.

3. Mr. Watts presented the petition of Asa Casper, and his wife, Eliza Casper, praying to be divorced from each other.

4. Mr. Mitchell presented the petition of Josiah Yocum, and others, citizens of Washington county, in relation to the culture of silk, and the propriety of Congress imposing a duty on imported silks.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice; the 2d to Messrs. Shanks, Clay, Buckner and Caldwell; the 3d to the committee on Religion; and the 4th to the committee on Agriculture and Manufactures.

On motion of Mr. Skiles,

Resolved, That the committee on the Sinking Fund be instructed to enquire into the manner in which the evidence of the payment of interest on the Six Year Bonds of this Commonwealth is perpetuated, and whether the coupons or other duplicate evidences of such payment are retained by the proper officers; and that they report by bill or otherwise.

On the motion of Mr. Stockton—Leave was given to withdraw the petitions of sundry citizens of Barren, Green, Adair and Cumberland counties, praying for a new county; and they were withdrawn.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Christopher Patton and Wm. Patrick.

An act for the benefit of Jacob Weddington, Sr. and Jacob Weddington, Jr.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of Margaret Stinson.

An act for the benefit of Eliza Putnam.

An act for the benefit of Christiana Boothe.

An act to incorporate the Pleasant Grove Meeting House.

With an amendment to the last.

Mr. Thomas asked leave to withdraw the petitions and remonstrance of sundry citizens of Campbell and Kenton counties, praying a division of said counties; which was granted, and the same were withdrawn.

Mr. N. B. Stephens asked leave to withdraw the petition of Jas. Howe; which was granted, and the petition withdrawn.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill for the benefit of Edward S. Coleman, late Sheriff of Franklin county.

On the motion of Mr. Hazlerigg—2. A bill to provide for the payment of the debt owing by the State upon the Owingsville and Big Sandy turnpike road.

On the motion of Mr. Morgan—3. A bill for the relief of the securities of the late Clerk of the Fleming County Court.

On the motion of Mr. Vance—4. A bill to continue in force an act offering a reward for the discovery of the true cause of the disease called the milk sickness, approved Feb. 16, 1838.

On the motion of Mr. Goble—5. A bill for the benefit of Jas. McGuire, and for other purposes.

On the motion of Mr. Trussell—6. A bill for the benefit of the Jailor of Lewis county.

On the motion of Mr. Davidson—7. A bill for the benefit of the administrator of John B. Cloud.

On the motion of Mr. Williams—8. A bill for the benefit of George W. and Wm. Maupin.

On the motion of Mr. Johnson—9. A bill for the relief of the widow and heirs of Peter Jones, dec'd.

Ordered, That Messrs. Draffin, Forman and Craddock prepare and bring in the 1st; Messrs. Hazlerigg, Botts, Morgan, Waring and Goble the 2d; the committee on Claims the 3d; the committee for Courts of Justice the 4th, 8th and 9th; Messrs. Goble, Hazlerigg and Botts the 5th; the committee on Propositions and Grievances the 6th; and Messrs. Davidson, Atkinson and Harrison the 7th.

Mr. Fletcher asked leave to withdraw the petition of sundry citizens of McCracken and Hickman counties, praying for the formation of a new county; which was granted, and the same was withdrawn.

On motion of Mr. Speed,

Resolved, That a committee be appointed to enquire and report why the Measures have not been procured for this State from the United States.

Whereupon Messrs. Speed, Taylor and Raymon were appointed a committee in pursuance of said resolution.

Mr. Sprigg moved the following resolution, viz:

Resolved, That the President and Directors of the Bank of the Commonwealth of Kentucky report forthwith to this House, the name of the person or persons from whom they bought State Bonds; at what price they were purchased, and under what authority they were purchased; and the Clerk of this House is required to communicate this resolution.

Which being twice read, was adopted.

Bills of the following titles, viz:

1. A bill to authorize Jesse Murphy to build a fish dam on Pond river.

2. A bill to amend the laws of descent--were read a second time.

Ordered, That the 1st be engrossed and read a third time, and the 2d be referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Woodson asked leave to withdraw the petitions, remonstrances, &c. of sundry citizens of Mercer and Lincoln counties, praying for the formation of Boyle county; which was granted, and said papers, documents, &c. were withdrawn.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Kirtley—1. A bill to abolish Day's precinct.

By Mr. Haggard—2. A bill to amend an act, entitled, an act to appoint a Keeper of the Penitentiary, and for other purposes, approved February 15, 1834.

By Mr. Brien—3. A bill allowing further time to the several County Courts to furnish a standard of weights and measures.

By Mr. Atkinson—4. A bill allowing an additional Constable to the county of Logan.

By same--5. A bill for the benefit of the Russellville Male Academy.

By Mr. Wakefield—6. A bill to authorize the Trustees of the Baptist Church in Taylorsville to sell their meeting house, and for other purposes.

By Mr. Sprigg—7. A bill to render more efficient and available the resources of the Sinking Fund.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, 4th, 5th and 6th were severally ordered to be engrossed and read a third time; the 2d was referred to the committee for Courts of Justice; and the 7th was postponed to, and made the special order of the day for Tuesday next.

The rule of the House, constitutional provision and third reading of the 1st, 3d, 4th, 5th and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 7th bill for the use of the members of the General Assembly.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act allowing an additional Constable to the counties of Hardin, Knox and Harlan.

An act for the benefit of the devisees of James H. Rowe, dec'd.

An act for the benefit of the Sheriff of Montgomery county.

An act allowing turnpike tollage to witnesses.

An act to change the place of voting in election precincts in Hardin and Barren counties.

An act further to regulate the Shelby and Franklin County Turnpike Companies.

An act to allow an additional Justice of the Peace and Constable to Pike county.

An act to incorporate the Pleasant Grove Meeting House.

An act for the benefit of the administrator and heirs of Benjamin Lancaster, dec'd.

Were twice read, and concurred in.

A message was received from the Governor, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act to allow an additional Justice of the Peace to Bath county, and for other purposes.

An act to allow an additional Justice of the Peace to Mercer county, and for other purposes.

An act for the benefit of the widow and heirs of Thomas Robinson, dec'd.

An act to legalize the proceedings of the Garrard County Court, and for other purposes.

An act for the benefit of the late and present Sheriff of Lewis county.

An act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.

An act to divorce James Ware.

An act for the divorce of Sarah L. Gaines.

An act for the benefit of Eliza Taylor.

An act for the divorce of Priscilla Ann Brown.

An act to amend an act, entitled, an act to amend the charter of the city of Covington, approved January 4th, 1841, and for other purposes.

An act concerning the Christian Church at Glasgow.

An act for the benefit of George W. Mansfield, and for other purposes.

An act for the benefit of Rosannah Boggess, of Muhlenburg county.

An act for the benefit of Mary Finch.

An act to divorce Margaret M. Pulliam.

An act to explain an act, entitled, an act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes, approved January 4th, 1841.

An act further to regulate the trial of appeal cases in Jefferson County Court.

An act to amend an act, entitled, an act further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes.

An act to authorize the Judge of the second Judicial District to hold a special chancery term in the county of Campbell.

An act further to regulate the Madison turnpike and Wilderness road.

An act to establish an election precinct in Greenup county, and for other purposes.

An act authorizing Nicholas Porter to build a mill dam on Salt river.

An act authorizing Reuben Collings and George W. Brewer to build a mill dam on Salt river. Approved February 5, 1841.

Mr. W. C. Marshall, from the joint committee on Banks, made the following report, viz:

The joint committee on Banks, to whom was referred the "Memorial of the President and Directors of the Bank of Kentucky, in relation to the report of the joint committee on Banks"--report the same back to the General Assembly. They cannot condescend to make any response to a paper which contains an imputation upon them, groundless and untrue, and which they deem offensive to the General Assembly.

THOS. Y. PAYNE,
Chairman, Committee of Senate.
HENRY PIRTLE,
W. C. MARSHALL,
Chairman, Committe of House of Representatives,
H. G. HAZELRIGG,
JOHN J. THOMASSON.
D. SHANKS,

Whereupon Mr. Calhoon moved the following resolution, viz:

Wherefore, Resolved, That this House disapproves the temper and language in which the memorial of the President and Directors of the Bank of Kentucky is written; and especially does discredit and censure that part of said memorial in which it is insinuated, if not directly charged, that the joint committee on Banks had improperly divulged the name of a house indebted to the Bank, to its prejudice.

Mr. Bullock proposed a substitute for the resolution of Mr. Calhoon; and Mr. Sprigg moved an amendment to the substitute of Mr. Bullock.

Mr. Johnson then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the resolution proposed by Mr. Calhoon be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Clay and Haydon, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Atkinson,
Botts,
Brent,
Brien,
Bruton,
Buckner,
Bush,
Calhoon,
Chenault,
Chilton,
Cofer,
Colyer,
Combs,
Craddock,
Cunningham,
Curd,
Davidson,
Fletcher,
Ford,
Forman,
Gabbert,
Goble,
Graham,
Gray,
Haggard,
Harding,
Hardin,
Harrison,
Hart,
Hawkins,
Haydon,
Hays,
Howard,
Imboden,
Johnson,
Kirtley,
Lackey,
Lair,
Marshall, C. A.
Marshall, W. N.
Mason,
McHenry,
Mitchell,
Morgan,
Nance,
Newell,
Paris,
Park,
Perciful,
Raymon,
Reeves,
Shuck,
Smith, H. H.
Snyder,
South,
Speed,
Stephens, N. B.
Stevens, J.
Stockton,
Thomas,
Thompson,
Towles,
Triplett,
Trussell,
Waring,
Watkins,
Watts,
Williams,
Woodson—71.

Those who voted in the negative were—

Messrs. Bullock,
Caldwell,
Clay,
Crenshaw,
Draffin,
Goodson,
Innis,
Latimer,
Loving,
Riffe,
Rowlett,
Rudd,
Skiles,
Sprigg,
Taylor,
Vance,
Wakefield,
White—18.

And then the House adjourned.

MONDAY, FEBRUARY 8, 1841.

The Speaker laid before the House the response of the President of the Bank of Kentucky, to the resolution on Saturday last, which is in the following words, viz:

COMMONWEALTH BANK OFFICE,
February 6, 1841.

SIR:

In obedience to the resolution of the House of Representatives, "that the "President and Directors of the Bank of the Commonwealth report forthwith "to the House the name of the person or persons from whom they bought "State Bonds; at what price they were purchased; and under what author- "ity they were purchased," &c.—I have the honor to report: That the President and Directors of the Commonwealth Bank have at no time or place bought State Bonds from any person or persons; that on the 27th day of July, 1840, P. C. Morehead, Esq. Attorney for the Bowlinggreen District, stated and represented to the Board, that he, as Attorney for the Bank, had received in the payment of bad, doubtful and litigated debts due said Bank, the sum of $2,500 in Six Year State Bonds, to-wit: $800 from William R. Payne; $600 from J. B. Burgess; $300 from R. W. Lucas; $300 from D. Walker's administrator; $300 from J. B. Bigger; $100 from M. M. Morgan, and $100 from S. Penrod. Thereupon the Board, confiding in the statement of their Attorney, agreed to receive the said State Bonds in payment of so much cash, due on said debts. And on the 22d December, 1840, Jno. H. McHenry, Esq. another Attorney of said Bank, for the Hartford District, represented to the Board that he had received one hundred dollars, in a State Bond, in part payment of the old debts and liabilities of Jesse Moseley, due said Bank; and that he received said State Bond with an eye to the best interest of the Bank. And upon his representation, said State Bond was received as so much cash, and the account of said Moseley credited therewith.

Thus it will be seen that the sum of $2,600 in State Bonds have been received by the President and Directors of the Commonwealth Bank, in payment of what they at the time believed to be bad, doubtful and litigated debts due said institution. In the reception of said bonds, they acted in good faith, believing at the time they were promoting the very best interests of the Bank and the State. There is no law expressly authorizing the the Board to receive State Bonds, but the 18th section of the act, entitled, an act further to regulate the Bank of the Commonwealth, approved 29th January, 1830, recites "that the Agents and Cashier shall pay into Bank "the same description of money they receive, or money at par value with "what they do receive," &c. The State Bonds are put in circulation, and thereby become *quasi* money, so far as the State is interested. The Board of Directors of the Bank have at all times refused to receive from the debtors of the institution, State Bonds, except in those cases where the ultimate

collection of the debt was considered doubtful, and attended with expensive and protracted litigation; and in the reception of the said $2,600 in State Bonds, they acted under the discretionary powers vested in them by the charter of the Bank, having an eye to its interest, and likewise the State.

All of which is most respectfully submitted.

O. G. CATES, *Pres't Bank Commonwealth.*

To C. S. MOREHEAD, Esq.,

Speaker of the House of Representatives.

On motion of Mr. Bullock—Leave was given to bring in a bill to amend the charter of the Louisville Gas and Water Company.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

1. Mr. Towles presented the petition of Wm. Brown, praying that the Governor be authorized to give him Thirty Year State Bonds for Six Year Bonds.

2. Mr. Mason presented the petition of R. M. Bradley and A. R. McKee, praying that the Police Judge of the town of Lancaster may be permitted to reside without the limits of said town, and that his judicial acts may be legalized.

3. Mr. Hays presented the petition of the heirs of Robert R. Crutcher, praying that they may be made of age, in order to make a deed to a tract of land sold by their ancestor.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee on the Sinking Fund; and the 2d and 3d to the committee for Courts of Justice.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved Feb. 16, 1838.

An act to amend an act, entitled, an act to divide the State into Congressional districts.

With amendments to each.

That they had passed bills of the following titles, viz:

An act to establish a general law concerning manufacturing corporations.

An act for the divorce of Moses Royse.

An act to establish election precincts in the county of Pulaski.

An act for the benefit of the Chairman and Board of Trustees of the town of Nicholasville.

An act for the benefit of the citizens of the town of Nicholasville.

An engrossed bill, entitled, an act to change the time of holding the Allen County Court—was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ford, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting House in Shelby county.

An act for the divorce of Andrew Woods.

An act for the divorce of Wm. Wilson.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ford, from the same committee, to whom was referred the petition of Eliza Drysdell; the petition of Sarah Delph; and the petition of Thomas D. Harris, each praying for a divorce—reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected: which was concurred in.

Mr. Vance, from the committee on Ways and Means, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Pleasant Sandidge, late Sheriff of Green county.

An act for the benefit of the Sheriff of Clay county.

An act for the benefit of Lyman Martin, committee of Julian Montague.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Vance, from the same committee, to whom was referred a bill from the Senate, entitled, an act to authorize the purchase of a fire engine and hose for the protection of the property of the State at the seat of government—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative.

And so the said bill was disagreed to.

Mr. Vance, from the same committee, to whom was referred bills of the following titles, viz:

1. A bill for the benefit of those counties which have not been furnished with the reports of the Decisions of the Appellate Court of this State.

2. A bill for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes—reported the first without and the second with an amendment, which was concurred in.

Ordered, That said bills be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Towles, from the committee on Education, to whom was referred a bill to amend an act establishing the Shelby College—reported the same without amendment.

Mr. Clay then moved an amendment to said bill.

On motion,

Ordered, That said bill and amendment be referred to the committee for Courts of Justice.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate and of the
House of Representatives:

In compliance with the request of the Governor of Pennsylvania, made in obedience to a resolution of the General Assembly of that State, I transmit herewith a copy of two resolutions, relating to the Tariff, and the distribution of the proceeds of the sales of the Public Lands amongst the several States.

R. P. LETCHER.

February 8, 1841.

HARRISBURG, PENNSYLVANIA, }
January 3, 1841. }

SIR:

I have the honor to transmit to you, as requested, the enclosed copy of resolutions adopted by the Senate and House of Representatives of this Commonwealth, with a request that the same may be laid before the Legislature of the State over which you preside.

Very respectfully yours,

DAVID R. PORTER.

His Excellency, the Governor of Kentucky.

Resolutions relative to the Public Lands.

1. *Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to resist any and all attempts, under what pretence soever the same may be made, to deprive the people of this State of their just proportion of the common inheritance in the Public Lands; and that they be, and are hereby, further instructed and requested to introduce and advocate the passage of a bill providing for the distribution of the proceeds of the same among the several States in the ratio of their federal representative population under the census of one thousand eight hundred and forty.

2. *Resolved*, That our Senators be further instructed, and our Representatives requested, to vote for such re-modification or adjustment of the Tariff

as may increase the Revenue derived from imports equal to the wants of the National Government, so that at no time hereafter, under any pretext whatever, shall any money arising from the sales of the Public Lands be used by the General Government.

3. *Resolved*, That the Governor be requested to cause a copy of these resolutions to be forwarded to each of our Senators and Representatives in Congress; and to the Governors of the several States, with a request that the same may be laid before their respective State Legislatures.

WM. A. CRABB,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

Ordered, That said message be referred to the committee for Courts of Justice.

Mr. Reeves, from the committee on Claims, to whom was referred the amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Clerk of the Graves County Court, and the amendment proposed by the committee on Ways and Means to the amendments of the Senate—reported the same, with the opinion that the amendment of the committee on Ways and Means should be rejected; which was concurred in.

The amendments of the Senate to said bill were then twice read, and concurred in.

Mr. Reeves, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Edmund Oakley, committee of America Oakley, an idiot—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill to divorce Alice A. Price.

By same—2. A bill to divorce Thomas M. Pulliam.

By the committee on Ways and Means—3. A bill to increase the resources of the Sinking Fund.

By same—4. A bill to regulate tavern license.

By the committee on Internal Improvement—5. A bill for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wilcox, and others.

By the committee on Education—6. A bill to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.

By same—7. A bill for the benefit of the Vincennes Historical and Antiquarian Society.

By the committee on Military Affairs—8. A bill for the benefit of Samuel G. Tillet, Sheriff of Garrard county.

By the committee for Courts of Justice—9. A bill to amend the penal laws.

By the committee on Propositions and Grievances—10. A bill to incorporate the town of Napoleon, in the county of Gallatin.

By the committee on Claims—11. A bill for the relief of the securities of the late Clerk of the Fleming County Court.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 5th, 6th, 7th, 8th, 9th, 10th and 11th were severally ordered to be engrossed and read a third time; and the 3d and 4th were referred to the committee on the Sinking Fund.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 5th, 6th, 7th, 8th, 9th, 10th and 11th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. McHenry,

Resolved, That the use of this Hall be tendered to the Rev. E. F. Remington, at 7 o'clock P. M. this evening, for the purpose of Divine worship.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Caldwell—1. A bill for the benefit of Joseph Nelson.

On the motion of Mr. Haydon—2. A bill for the benefit of Chas. E. Mills.

On the motion of Mr. Colyer—3. A bill for the benefit of the Sheriff of Rockcastle county.

Ordered, That Messrs. Caldwell, Calhoon, McHenry, Loving, A. Harding, Shuck and Crenshaw prepare and bring in the 1st; Messrs. Haydon, Calhoon, Johnson and Shuck the 2d; and the committee on Ways and Means the 3d.

A bill from the Senate, entitled, an act to establish a general law concerning manufacturing companies,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with, it was referred to the committee for Courts of Justice.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred a bill to incorporate the Nelson County Mutual Insurance Company—reported the same with an amendment, which was disagreed to.

Mr. Speed proposed an amendment to said bill.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House again resolved itself into a committee of the whole—Mr. Thompson in the chair—and took up the bill to amend the several acts providing for internal improvements in the State of Kentucky; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

The Speaker laid before the House a communication from the Secretary of State, enclosing various monthly statements of the Auditor and Treasurer.

And then the House adjourned.

TUESDAY, FEBRUARY 9, 1841.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act conferring upon the County Courts of Carroll and Gallatin power to change the State roads passing through said counties.

An act for the benefit of John Cain.

An act authorizing the County Courts of Grayson, Daviess and Logan counties to make certain alterations in State roads in said counties.

An act for the benefit of Wm. Wilbourn, of the county of Russell.

An act to amend an act establishing a system of Common Schools in Kentucky.

That they had passed bills from this House, of the following titles, viz:

An act to amend the laws concerning the emancipation of slaves.

An act to authorize the County Court of Kenton county to change the State road from Colemansville, in Harrison county, to Covington, in Kenton county.

An act to authorize the building of a bridge across Mayfield's creek.

An act for the benefit of John Mershon.

An act to authorize the Board of Internal Improvement for Graves county to loan out certain funds in their hands.

An act for the benefit of the Medical Faculty of Transylvania University.

An act to amend an act establishing a State road from the mouth of Salt river (by way of Grahampton and Big Spring) to intersect the Bowlinggreen road, approved January 13, 1840.

An act for the benefit of Mary Isbell.

An act for the benefit of the Sheriff of Henderson county.

An act to amend the law in relation to working the public highways in the county of Mason.

An act for the relief of the Sheriff of Nicholas county.

An act to amend the militia law.

An act to amend an act reserving certain property from execution, and for other purposes.

An act to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.

An act to amend and reduce into one the several acts relating to the Sandy road.

An act for the benefit of Augustus M. Barret, Clerk of the Edmonson County and Circuit Courts.

With amendments to the four last named bills.

And a resolution from this House, in relation to an amendment of the Constitution of the United States.

And that they had passed bills of the following titles, viz:

An act to amend the law concerning injuries to real estate.

An act to amend the law concerning sealed writings.

An act for the benefit of John Smith.

An act authorizing the closing of part of the Nashville and Lexington State road.

An act to regulate the boundary line of the 46th Regiment of Kentucky Militia.

An act for the benefit of Basil G. Smith.

Resolved, That this House insist on their amendment to a bill from the Senate, entitled,

An act concerning the record books of the County and Circuit Courts of Madison.

Ordered, That a bill for the benefit of Edmund Gibbons, of the county of Clinton, be engrossed and read a third time.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.

An act for the benefit of Augustus M. Barrett, Clerk of the Edmonson County and Circuit Courts,

Were twice read, and concurred in.

A message was received from the Senate, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an

act for the benefit of Wm. Wilbourn, of the county of Russell; which was granted, and the bill accordingly withdrawn.

The House resumed the consideration of the bill to incorporate the Nelson County Mutual Insurance Company.

The amendment proposed by Mr. Speed was then concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

An act authorizing certain records, &c. of the Clarke County Court to be transcribed.

An act to amend an act, entitled, an act giving to officers, and crews, and mechanics and others, a lien on steamboats.

An act to amend the law concerning awards.

An act to amend the law concerning the writ of certiorari, and for other purposes.

An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.

An act to amend the law concerning appeals and writs of error.

An act to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.

An act concerning exceptions to depositions.

An act to incorporate the Lexington Hotel Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill from the Senate, entitled, an act concerning the town of Russellville—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. N. B. Stephens, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Clerks of the Hickman Circuit and County Courts.

An act to establish an election precinct in the county of Carter.

An act for the benefit of the heirs of J. B. Connolly, deceased.

An act to legalize the proceedings of Trimble County Court held in December, 1840.

An act granting a change of venue to James S. McCauley.

An act for the benefit of the widow and heirs of Jacob C. Butler, deceased.

An act for the benefit of Joseph Gillis.

An act to authorize the County Court of Union to lay an additional levy.

An act to change the time of holding the fall term of the Court of Appeals.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

Mr. A. Harding, from the committee for Courts of Justice, who were directed to prepare and bring in the same—reported a bill to amend an act requiring Justices of the Peace to keep a record, and for other purposes.

Which was read the first time.

On motion of Mr. Vance,

Ordered, That said bill be laid on the table for the present.

Mr. Reeves, from the committee on Claims, to whom was referred a bill for the benefit of John Hockersmith, and the amendment proposed thereto—reported the same, with the opinion that said amendment ought to be rejected.

The said amendment was then withdrawn.

The said bill was then read, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, authorized and required to issue his warrant upon the Treasury, in favor of John Hockersmith, for the sum of one hundred and thirty dollars; and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Paris and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Rudd,
Messrs. Atkinson,	Goodson,	Shuck,
Brent,	Haggard,	Skiles,
Brien,	Harding,	Speed,

Bullock,	Hart,	Taylor,
Chilton,	Hawkins,	Thomas,
Clay,	Innes,	Thompson,
Craddock,	Latimer,	Triplett,
Crenshaw,	Marshall, W. C.	Vance,
Curle,	McHenry,	Watts,
Davidson,	Miller,	Wortham—35.
Ford,	Reeves,	

Those who voted in the negative were—

Messrs. Adams,	Hazlerigg,	Riffe,
Bruton,	Howard,	Rowlett,
Buckner,	Imboden,	Shanks,
Bush,	Johnson,	Smith, B.
Caldwell,	Kirtley,	Smith, H. H.
Calhoon,	Lackey,	Snyder,
Cofer,	Lair,	Stephens, N. B.
Colyer,	Loving,	Stevens, J.
Combs,	Marshall, W. N.	Stockton,
Cunningham,	Mason,	Thomasson,
Fletcher,	Mitchell,	Towles,
Forman,	Morgan,	Trussell,
Goble,	Nance,	Wakefield,
Graham,	Paris,	Waring,
Gray,	Park,	Watkins,
Hardin,	Perciful,	Williams,
Haydon,	Raymon,	Woodson—52.
Hays,		

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of Thomas B. Magowan, Jailor in Fayette county—reported the same with an amendment.

Ordered, That the said bill and amendment be laid on the table for the present.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill to amend the law of descents—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz :

By Mr. Caldwell—1. A bill for the benefit of Joseph Nelson.

By Mr. Haydon—2. A bill for the benefit of Charles E. Mills.

By the committee on Propositions and Grievances—3. A bill for the benefit of Thomas Mitchell, Jailor of Lewis county.

By the committee for Courts of Justice—4. A bill to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d and 4th were severally ordered to be engrossed and read a third time; and the 2d was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 3d and 4th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Caldwell, from the committee for Courts of Justice—reported a bill to prevent applications to the Legislature for divorces.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with,

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

Mr. Davidson moved to dispense with the orders of the day, in order to take up for consideration a resolution heretofore proposed by him, to appoint a committee to correspond with the City Council of Louisville and Building Committee, and ascertain on what terms they will surrender to the State the buildings now in progress in that city, for the use of the State.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Davidson and Gabbert, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Marshall, W. C.	Smith, H. H.
Caldwell,	Marshall, W. N.	Stephens, N. B.
Davidson,	Miller,	Thomasson
Goodson,	Nance,	Towles,
Haggard,	Paris,	Triplett,
Lair,	Rudd,	Woodson—20.
Latimer,	Shanks,	

Those who voted in the negative were—

Mr. Speaker,	Gabbert,	Perciful,
Messrs. Adams,	Goble,	Raymon,
Atkinson,	Graham,	Reeves,
Botts,	Gray,	Riffe,

Brent,	Harding,	Rowlett,
Bruton,	Hardin,	Shaw,
Buckner,	Hawkins,	Shuck,
Bullock,	Haydon,	Skiles,
Bush,	Hays,	Smith, B.
Calhoon,	Hazlerigg,	Speed,
Chilton,	Howard,	Sprigg,
Clay,	Imboden,	Stevens, J.
Cofer,	Innes,	Stockton,
Colyer,	Johnson,	Taylor,
Combs,	Lackey,	Thompson,
Craddock,	Loving,	Trussell,
Crenshaw,	Mason,	Vance,
Cunningham,	McHenry,	Waring,
Curd,	Mitchell,	Watkins,
Curle,	Morgan,	Watts,
Fletcher,	Newell,	White,
Ford,	Park,	Williams—67.
Forman,		

The House again resolved itself into a committee of the whole—Mr. Thompson in the chair—on the bill to amend the several acts providing for internal improvements in the State of Kentucky; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

WEDNESDAY, FEBRUARY 10, 1841.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined sundery enrolled bills and resolutions which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to authorize the Board of Internal Improvement for Graves county to loan out certain funds in their hands.

An act to authorize the County Court of Kenton county to change the State road from Colemansville, in Harrison county, to Covington, in Kenton county.

An act further to regulate the Shelby and Franklin County Turnpike Companies.

An act to amend the laws concerning the emancipation of slaves.

An act to amend an act establishing a State road from the mouth of Salt river (by way of Grahampton and Big Spring) to intersect the Bowlinggreen road, approved January 13, 1840.

An act to amend the law in relation to working the public highways in the county of Mason.

An act to amend the militia law.

An act for the benefit of John Mershon.

An act for the benefit of the Sheriff of Henderson county.

An act for the benefit of the Medical Faculty of Transylvania University.

An act for the relief of the Sheriff of Nicholas county.

An act for the benefit of Mary Isbell.

An act to divorce Patience Murray.

An act for the benefit of Eliza Putnam.

An act for the benefit of Joel Thomasson.

An act to repeal an act, entitled, an act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

An act to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1st, 1836.

An act for the benefit of Alvis R. Harris, and for other purposes.

An act for the benefit of Wm. A. Bowdoun.

An act for the divorce of Elizabeth Bacchus.

An act for the benefit of Christiana Boothe.

An act for the benefit of Margaret Stinson.

An act to establish an election precinct in the county of Hardin, and for other purposes.

An act to amend an act, entitled, an act for the benefit of the heirs of Wm. Taylor, deceased, approved February 4, 1840.

An act for the benefit of the administrator and heirs of Benjamin Lancaster, dec'd.

An act to allow an additional Justice of the Peace and Constable to certain counties.

An act allowing turnpike tollage to witnesses.

An act for the benefit of the Sheriffs of Montgomery and Lawrence counties.

An act to change the place of voting in election precincts in Hardin and Barren counties, and for other purposes.

An act allowing an additional Constable to the counties of Hardin, Knox, Harlan, Hickman and Pulaski.

An act for the benefit of the Clerks of the County Courts of Graves, Monroe, Hancock, Garrard, Daviess, Logan and Clinton.

Resolutions in relation to an amendment of the Constitution of the United States.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

After some time, a message was received from the Governor, announcing that he had approved and signed said bills and resolutions.

The amendments proposed by the Senate to a bill from this House, entitled, an act to amend and reduce into one the several acts relating to the Sandy road—were twice read and concurred in.

1. Mr. Innes presented the petition of Jos. J. Collier and Massina T. Smith, committee for Morrison W. Smith, a lunatic, praying for the sale of his real estate.

2. Mr. Clay presented the petition of J. F. Delany, praying that fifty dollars which he paid for a pedlar's license may be refunded to him.

3. Mr. Wortham presented the petition of sundry citizens of Graves county, praying for an additional Justice of the Peace and Constable to said county.

4. Mr. Forman presented the petition of sundry citizens of Mason county, praying for a repeal or modification of the law granting license to retail spirituous liquors.

5. Also, the petition of sundry citizens of Nicholas county, on the same subject.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice; the 2d to the committee on Claims; the 3d to Messrs. Wortham, Perciful and Watkins; and the 4th and 5th to the committee on Religion.

A message was received from the Senate, announcing the passage of bills and a resolution from this House of the following titles, viz:

An act for the divorce of Sarah Surlott.

An act for the benefit of Wm. Wilbourn, of the county of Russell.

An act for the benefit of the Sheriff of Carter county.

With amendments to the two last.

A resolution fixing a day for the adjournment of the General Assembly.

That they had passed bills of the following titles, viz:

An act to incorporate the Vestry of St. Paul's Church.

An act for the benefit of Wm. B. Parker, late Sheriff of Lewis county.

An act for the benefit of Marietta H. Estes, and her children.

An act to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes.

An act for the benefit of John Gose.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act granting a change of venue to James S. McCauley.

An act for the benefit of the widow and heirs of Jacob C. Butler, deceased.

An act to establish an election precinct in the county of Carter.

An act for the benefit of the Clerks of the Hickman Circuit and County Courts.

An act to legalize the proceedings of Trimble County Court held in December, 1840.

An act for the benefit of the heirs of J. B. Connally, deceased.

An act to authorize the County Court of Union to lay an additional levy.

An act for the benefit of Joseph Gillis.

An act to change the time of holding the fall term of the Court of Appeals. Approved February 9, 1841.

A bill from the Senate, entitled, an act for the benefit of John Smith,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, by Mr. Ballinger, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of John Cain; which was granted, and the bill withdrawn.

Mr. Sprigg, from the committee on the Expenditures of the Board of Internal Improvement, made the following report, viz:

The Committee on the Expenditures of the Board of Internal Improvement now ask the permission to make to the House the following report:

The Board of Internal Improvement consists of a President and three members, appointed annually by the Governor, by and with the advice and consent of the Senate. The President receives an annual salary of one thousand dollars, and the other members of the Board receive three dollars for each day they are respectively engaged in the duties of their office. The salary of the President is payable out of the public Treasury, and the per diem allowed the members is paid out of the Internal Improvement Fund, and chargeable to that fund among other disbursements made by the Board. The accounts of the members must be approved of by the Governor before they are allowed to be paid. The powers and duties of the Board, as they are now defined, may be ascertained by referring to the acts hereinafter referred to, as follows: "An act, entitled, an act for the Internal Improvement of the State, approved February 28th, 1835;" "an act, entitled, an act defining the powers and duties of the Board of Internal Im

provement, and for other purposes, approved February 29th, 1836;" "an act further to provide for the Internal Improvement of the State, approved February 23d, 1837;" and an act of the same title, approved February 16th, 1838; and an act of the same title, approved February 22d, 1839; and an act, entitled, "an act to provide for the payment of Public Contractors, and to preserve the faith of the State, approved February 21st, 1840." The first act above mentioned, by its title, authorized the Board of Internal Improvement (the Governor being, by the act, made ex officio the President thereof,) to employ one principal Engineer, at an annual salary of two thousand dollars. By virtue of the provisions of the next succeeding act, above referred to, it was made the imperative duty of the Governor to appoint, by and with the consent of the Senate, one *State* Engineer, who "shall be paid an annual salary of three thousand dollars; who shall keep his office at the seat of government; and who shall execute the orders of the Board, and have a general superintendence of the Engineer service upon works in which the State is or may be interested, and to report to the Board, from time to time, the result of his labors and examinations." "He shall, with the approbation of the Board, appoint *his own* assistants, not exceeding four, whose compensation shall not exceed at the rate of fourteen hundred dollars *each* per annum."—(See second section of that act.) That act *dispensed* with the Governor as a member of the Board, and constituted the Board as it now *yet* remains. By the first section of the act, the third in the series of acts above mentioned, the salary of the Chief Engineer was increased to four thousand dollars per annum; and he was empowered, by and with the advice and consent of the Board of Internal Improvement, and it was made his imperative duty, to employ, by the advice and consent of the Board, as many Resident and Assistant Engineers as the Board might deem necessary, and at such salaries as *he* and the Board shall agree on for the purpose of prosecuting the works of Internal Improvement then commenced or contemplated, and the surveys which had then been, or by that act were authorized. The concluding clause of the first section of said act, restricted the amount to be paid to Rresident and Assistant Engineers, so that the amount could not exceed twenty thousand dollars. By an act, approved February 21st, 1840, the annual salary of the Chief Engineer was reduced to twenty five hundred dollars, and the salary of the Resident Engineer on the Kentucky river to twenty two hundred and fifty dollars, and the salaries of the Resident Engineers on the Licking, and Green, and Barren rivers, and that of the Road Engineer to fifteen hundred dollars each. The salaries of each Assistant Engineer was also, by the same act, made one thonsand dollars each; and the Board was directed to dismiss all Engineers not necessary to carry on the public works; and the Board was forbid to allow any of the Engineers any expenses which they might incur in superintending the public works placed under their charge, but for extraordinary services which might be required of any of said Engineers, not of the ordinary duties which belonged to their appointment, the Board, as theretofore, if they were of opinion it was right, were permitted, by this last mentioned act, to allow any such Engineer his travelling expenses.

The surveys directed by the acts herein referred to, and various other acts, imposed upon the Board the necessity of expending large sums of money for that purpose.

The public works, except where it may be by law otherwise specially directed, are placed under the general superintendence of the Chief Engineer, and the Resident and Assistant Enginees are bound to execute his orders, and report to him any information that he may require in regard to the works in which they may be respectively engaged or required to perform.

A review of the legislation of the State from the year 1827 to the session of the General Assembly of the State for the years 1834–'5, would convince any unprejudiced mind of the propriety, if not the absolute necessity, of reducing the vast combination of projects for Internal Improvements, which were contemplated to be built, to some regular dependence or co-operation. The withdrawal of the Branches of the Bank of the Commonwealth, and the deprivation of that Bank of all the essential rights and privileges of banking, gave an impetus to the enthusiasm for Internal Improvements which so generally inspired the people of the State. Several Turnpike Companies, whose capital stocks at first were made up by subscriptions and contributions by private individuals, obtained subscriptions on the part of the State which were paid by appropriations out of the proceeds of the stock owned by the State in the Bank of Kentucky and the Commonwealth's Bank. These causes and examples superinduced the incorporation of very many other Turnpike Companies, and of extravagant appropriations, and subscriptions for road stock on behalf of the Commonwealth, which subjected the public Treasury to demands approaching to $800,000.—(See the report of the Committee of Ways and Means, Journal of the House of Representatives, 1834, page 128.)

The proceeds of the two Banks mentioned, (which by the act, entitled "an act to provide for the payment of subscriptions and appropriations to objects of Internal Improvement," approved February 22, 1834, were pledged, and set apart in the Treasury, for the purposes indicated by its title,) if they could have all been realized at once, would not have been sufficient to pay all the subscriptions and appropriations which had been made. Moreover, the collections made by those Banks were, from the exigencies of their debtors, very inconsiderable, compared with the demands which existed against the Government. Besides, it was very evident that if those interested in demanding payments of the State's subscriptions and appropriations, should insist upon their demands, the most important roads in the State, then in progress of construction, would be left unimproved, and the improvement of which was seen and acknowledged and felt in the pressing necessities of every branch of public industry. Under these circumstances the act of February, 1835, first before alluded to, was made, whereby a loan of one million of dollars was authorized, under certain restrictions, to be made, and a Board of Internal Improvement "created," for the purpose of establishing some system in the construction of public works, and of guarding against useless and extravagant expenditures of the public money. The acts subsequently enacted to promote the system of Internal Improvements, extended the system, enlarged the powers of the Board and assigned to them other duties, and changed in some degree its original constitution. The Board has never been composed of the same persons for two successive years since its first organization in the year 1835. From that time to the date of their report to the present General Assembly of the State, the Committee will, from the best sources of information which it is convenient and admissible for them to apply to, give a concise statement of their expendi-

tures. Regarding the many reports of the Board, and of the Chief, and Resident, and Assistant Engineers, who have been in their service, which constitute a part of the journals of both branches of the Legislature since a Board of Internal Improvement was first organized, and the many printed reports of the same character which have been, or were intended to have been, circulated through the State, and that have been printed this session, all of which purport to exhibit statements of the amount of money expended by them on each specific object of improvement, in a detailed form, the Committee have concluded that they would sufficiently discharge their duty by presenting a statement of the aggregate amounts of money paid by the Board to the various demands for expenditures which are specified and incident to the system. The total amount paid out for Internal Improvements, since the Board was organized, up to and including the 30th of November, 1840, is according to the calculations and additions of the Board, in their report, $4,012,636 97, which payments were made as follows:

To the Kentucky river navigation,	$619,864 12
To the Green and Barren river navigation,	663,774 15
To the Licking river navigation,	182,727 05
Total payments to works of slack water navigation,	$1,466,365 32
The payments to hydraulic lime establishments are	$88,462 27

This last item of expenditure composes a part of the expenditures to slack water navigation, and should be added to the aggregate of expenditures made to those works.

To total payments to Engineers for salaries,	$68,956 40
To surveys,	16,164 21
To bridges across Rolling Fork and Richland creek,	14,534 88
To descending navigation,	11,981 97
To Lexington and Ohio Railroad,	215,000 00
To Green river Railroad, (abandoned)	1,903 00
To dirt roads,	42,563 51
To turnpike roads,	2,067,679 12
To general expenses,	19,026 30

Under this last head of expenditures are included payments to the following specified objects, viz:

Examinations for hydraulic lime,	$502 18
Agents to borrow money,	135 00
Printing blanks and advertising,	1,046 16
Engineering instruments,	2,313 91
Toll house on Muldrow's Hill,	220 00
Surveys,	1,302 94
Green and Barren river navigation,	41 40
Kentucky river navigation,	74 93
Fuel and light for Engineer's office,	207 90
Agents to sell bonds,	3,952 39
Postage from March, 1836, to September, 1839,	287 56

Attendance on Engineer's office,	373 00
Stationery,	1,463 57
Office furniture,	369 25
Fee bills for recording deeds,	16 50
Pay of Members of the Board,	4,202 35
Engineers expenses,	2,507 26

The Committee deem it proper to remark, that of the sum before stated as the aggregate amount of payments made by the Board, the sum of $312,502 90 was paid out of the fund set apart in the Treasury for Internal Improvements, upon Executive requisitions, or in pursuance of appropriations made by the Legislature, as appears from the report made by the Board to the General Assembly of the State, during the session of 1837–'8.

From as minute an investigation of the reports of the Board as the Committee have been able to make, and comparison of those reports with the Auditor's reports of receipts, and payments out of the Treasury, for Internal Improvements, the Committee believe that the aggregate sum herein stated as the amount expended by the Board will vary very little, if any, from the true amount, and if any variance can be found, it will result from a slight mistake in the arithmetical additions, and will not, the Committee feel assured, exceed the amount stated by the Board. The Committee confidently believe, that all the disbursements made by the Board, have been made in fulfillment of contracts, in consideration of services rendered, and other demands in furtherance of the system of Internal Improvements under their control and management.

JAMES C. SPRIGG,
CHAS. S. BRENT,
GREEN V. GOBLE,
CHARLES T. CHILTON,
MANDLY TRUSSELL,
JAMES HAGGARD,
BERRY SMITH,
WILLIAM R. VANCE.

Ordered, That the Public Printer forthwith print 150 copies of the said report for the use of the members of the General Assembly.

The following bills were reported by the select committees appointed to prepare and bring in the same, viz:

By Mr. Shanks—A bill for the benefit of James Jenkins.

By Mr. Atkinson—A bill for the benefit of the adm'r of John B. Cloud.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The House again resumed the consideration of the bill to prevent applications to the Legislature for divorces.

Mr. Vance then moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haggard and Triplett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Park,
Messrs. Adams,	Goble,	Raymon,
Atkinson,	Goodson,	Riffe,
Botts,	Hart,	Rudd,
Bullock,	Hays,	Shuck,
Bush,	Innes,	Skiles,
Chenault,	Johnson,	Speed,
Chilton,	Lackey,	Thomas,
Clay,	Latimer,	Thompson,
Craddock,	Marshall, C. A.	Triplett,
Crenshaw,	Mason,	Vance,
Cunningham,	McHenry,	Watts,
Draffin,	Miller,	Woodson—41.
Forman,	Mitchell,	

Those who voted in the negative were—

Messrs. Brent,	Hardin,	Shanks,
Brien,	Harrison,	Shaw,
Bruton,	Hawkins,	Smith, B.
Buckner,	Haydon,	Smith, H. H.
Caldwell,	Hazlerigg,	Snyder,
Calhoon,	Howard,	South,
Cofer,	Imboden,	Stephens, N. B.
Colyer,	Kirtley,	Stockton,
Combs,	Lair,	Taylor,
Curd,	Loving,	Thomasson,
Curle,	Marshall, W. C.	Towles,
Davidson,	Morgan,	Trussell,
Fletcher,	Nance,	Wakefield,
Ford,	Newell,	Waring,
Graham,	Paris,	Watkins,
Gray,	Perciful,	Williams,
Haggard,	Rowlett,	Wortham—51.

Mr. Calhoon then moved an amendment to said bill.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House again resolved itself into a committee of the whole—Mr. Thompson in the chair—on the bill to amend the several acts providing for internal improvements in the State of Kentucky; and after some time spent therein, the Speaker resumed the chair; when Mr. Thompson re-

ported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted an amendment thereto; which he handed in at the Clerk's table.

The said amendment was then twice read, and adopted.

The said bill, as amended, reads as follows, viz:

WHEREAS, various public works have been placed under contract by the Board of Internal Improvement; and whereas, the public faith is pledged to the successful prosecution of the same, and to the observance of the strictest economy in the application of the resources of the State: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the sum authorized to be raised by the sale of the bonds or scrip of the State, for the prosecution of the public works, by virtue of the act of the last General Assembly, entitled, an act to provide for the payment of public contractors, and to preserve the faith of the State, approved 21st of February, 1840, and which remains unexpended, the Governor of this Commonwealth is hereby authorized and required to issue the bonds or scrip of the State for the sum of two hundred and forty nine thousand dollars; which, when sold, shall be applied and disbursed in the manner following, viz: To the Kentucky river navigation the sum of one hundred and forty thousand dollars; to the Licking river navigation, one hundred and forty thousand dollars; to the Green and Barren river navigation, one hundred and twenty thousand dollars; to the turnpike road over Muldrow's Hill, and bridge over the Rolling Fork of Salt river, two thousand two hundred and ten dollars fourteen cents; to the turnpike road from Louisville via Elizabethtown, &c. to the Tennessee line, eighty thousand dollars; to the turnpike road from Bardstown to the Tennessee line, eighty thousand dollars; to the turnpike road from Lexington to Perryville, fifteen thousand dollars; to the turnpike road from Lexington to Richmond, twelve thousand two hundred and fifty nine dollars; to the turnpike road from Georgetown to Covington, fifty thousand dollars; to the turnpike road from Maysville to Mountsterling, four thousand dollars; to the turnpike road from Maysville to Bracken county, eleven thousand eight hundred and seventy four dollars fifty cents; to the Logan, Todd and Christian turnpike road, fifty thousand dollars; to the balances due on other roads, six thousand dollars; to the turnpike road from Crab Orchard to Cumberland Gap, twenty thousand dollars; to descending navigation, four thousand dollars; to the Superintendent of lime manufactory and other incidental expenses, eight thousand two hundred and eighty eight dollars thirty six cents.

SEC. 2. That in disbursing the said sum, the money now due and unpaid shall be first paid; and no additional contracts shall be entered into during the year 1841.

Mr. Calhoon then moved the following amendment as a substitute for said bill, viz:

WHEREAS, various public works have been placed under contract by the Board of Internal Improvement; and whereas, the public faith is pledged to the successful prosecution of the same, and to the observance of the strictest economy in the application of the resources of the State: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That to enable the Superintendent of Public Works of this State to pay the subscriptions to turnpike and other roads, and to bridges, and to complete such as have been put under contract, or have been commenced with the authority and consent of said Board of Internal Improvement, and to progress with the public works on the rivers in this State, the sum of $588,759 is hereby appropriated for the year 1841.

SEC. 2. *Be it further enacted*, That in disbursing the said sum, the money now due and unpaid shall be first paid; and no additional contracts shall be entered into during the year one thousand eight hundred and forty one.

SEC. 3. *Be it further enacted*, That the money hereby appropriated shall be applied by the Board of Internal Improvement in the manner following, viz: To the Kentucky river navigation the sum of one hundred and twenty thousand dollars; to the Green and Barren river navigation, one hundred thousand dollars; to the turnpike road over Muldrow's Hill, and bridge over the Rolling Fork of Salt river, two thousand two hundred and ten dollars fourteen cents; to the turnpike road from Louisville via Elizabethtown, &c. to the Tennessee line, sixty thousand dollars; to turnpike road from Bardstown to the Tennessee line, sixty thousand dollars; to the turnpike road from Lexington to Perryville, fifteen thousand dollars; to the turnpike road from Richmond to Lexington, twelve thousand two hundred and fifty nine dollars; to the turnpike road from Georgetown to Covington, fifty thousand dollars; to the turnpike road from Maysville to Mountsterling, four thousand dollars; to the Maysville and Bracken turnpike road, two thousand dollars; to the Logan, Todd and Christian turnpike road, thirty thousand dollars; to the balances due on other roads, six thousand dollars; to the turnpike road from Crab Orchard to Cumberland Gap, twenty thousand dollars; to descending navigation four thousand dollars; to the Superintendent of lime manufactory, and other incidental expenses, eight thousand two hundred and eighty eight dollars thirty six cents; for repairing and putting cars upon the Lexington and Ohio Railroad, in the event of the State becoming the purchaser of it, the sum of eighty five thousand dollars.

SEC. 4. *Be it further enacted*, That the Governor of the Commonwealth of Kentucky be, and he is hereby, authorized to sell the bonds or scrip of this State, in the United States, or elsewhere, to the amount of one hundred thousand dollars, in sums of not less than one thousand dollars, bearing an interest of six per cent. redeemable at any time after thirty years: provided a sufficient sum shall have been first provided to pay the interest upon the same.

SEC. 5. *Be it further enacted*, That so much of the act, entitled, "an act to provide for the payment of public contractors and to preserve the faith of the State," approved February 21, 1840, as authorizes the Governor of this Commonwealth to issue bonds of scrip of this State, redeemable at any time after six years, be, and the same is hereby, repealed; but this act shall not be so construed as to prevent the sale of the residue of the bonds provided to be sold by the third section of the act aforesaid.

SEC. 6. *Be it enacted*, That no part of any of the several amounts appropriated to the several turnpike roads herein mentioned shall be paid, until the company asking payment shall have made to the proper officer, all the reports they are required by law to make, nor until they shall have answered the several interrogatories propounded to them by the Board of Internal Improvement under date of 4th Nov. 1840.

SEC. 7. *Be it enacted*, That if, under the provisions of the charters of any of the aforesaid turnpike roads, they shall make a requisition upon the Board of Internal Improvement or Superintendent of Public Works, upon which the road company applying would be entitled to receive a greater amount than is herein specially appropriated to them, and there shall be a balance upon the appropriation to any other road unclaimed at the time, it shall be lawful to pay the same out of any of the unclaimed balances.

SEC. 8. *Be it enacted*, That the works upon Licking river shall, for the present, be suspended, and the contractors be released from their obligations to complete the several objects they have undertaken; and that the Board of Internal Improvement or Superintendent of Public Works be authorized to settle with the contractors as to the amounts they shall severally receive on their contracts in consideration of their abandonment, and for balances due; and if they cannot agree, report the disagreement to the next Legislature; and the sum of fifty thousand dollars is hereby appropriated to pay the said balances and amounts agreed upon.

SEC. 9. That the Lexington and Ohio Railroad Company be authorized to borrow eighty five thousand dollars, for a period not to exceed thirty years, at an interest not exceeding six per cent. per annum, but payable when and where the President and Directors of said company shall agree, and to issue bonds therefor, under the seal of the corporation, and signed by the President; and, to secure the payment of the principal and interest of said loan, to execute an assignment, by way of mortgage, under the seal of the corporation and signature of the President, of all its lands, tenements, machinery and other property, of whatever description it may hold or possess, or may hereafter hold or possess, including their interest in said road, and all their stock laid out and expended on said road, with all its rights, now held by virtue of the laws of this Commonwealth, or which may hereafter be granted; which assignment or mortgage shall be made to the lender or lenders of said sum, and be recorded in the office of the Clerk of the Court of Appeals of this Commonwealth, upon proof by two subscribing witnesses, or the acknowledgment of the President.

SEC. 10. *Be it further enacted*, That the money thus borrowed shall be exclusively applied to the repair of so much of said railroad as lies between its commencement, in Lexington, and the Kentucky river, and in the purchase or construction of new machinery for transportation on the same; and it shall be the duty of the President and Directors to give bond, in the penalty of one hundred thousand dollars, with good security, conditioned for the faithful application of the same, according to the provisions of this section. Said bond shall be payable to the Commonwealth of Kentucky, and deposited with the Treasurer of the State for safe keeping.

SEC. 11. *Be it further enacted*, That whenever it shall be made to appear, to the satisfaction of the Governor of this Commonwealth, that the loan herein authorized has been effected, and the money paid to the company, or secured to be paid within ———; and it shall also be made to appear that bond has been executed, in pursuance of the tenth section, it shall be the duty of the Governor to endorse, on the mortgage or assignment aforesaid, as follows: "This mortgage shall have precedence over any lien, mortgage or incumbrance held by the Commonwealth of Kentucky on the property or rights herein embraced;" which endorsement shall be signed by the Governor, and acknowledged and recorded, with the mortgage, in the Clerk's

office of the Court of Appeals; and thereupon said mortgage shall have the precedence mentioned in said endorsement.

SEC. 12. *Be it further enacted*, That from the time of such loan being effected, all the profits of said corporation, after payment of current expenses, shall be applied as follows: First, to the payment of the interest of the loan herein authorized; second, to the payment of the interest on the loan of one hundred and fifty thousand dollars authorized by "an act for the benefit of the Lexington and Ohio Railroad Company," approved 2d February, 1833, for the payment of which the faith of the State of Kentucky was pledged, being the interest which has accrued and been paid by the Commonwealth, as well as the current or accruing interest; third, the surplus shall be formed into a fund for paying the principal: and no dividend of profits shall be made among stockholders until both the loan herein authorized, and the aforesaid loan of one hundred and fifty thousand dollars, for which the faith of the State is pledged, shall be paid; and for a violation of the provisions of this section, the President and Directors under whom it occurred, shall be individually liable.

SEC. 13. *Be it further enacted*, That if said company shall not be able to effect the loan authorized in the first section, by the 1st day of June, 1841, it shall be the duty of the Auditor of Public Accounts, and he is hereby directed to proceed to make sale, according to the fifth section of the aforesaid act, entitled, "an act for the benefit of the Lexington and Ohio Railroad," approved 2d February, 1833; and the advertisement therein required, shall be made in the paper called the "Commonwealth;" and it shall be the duty of the Auditor of Public Accounts to bid for and purchase the same, for and on behalf of the Commonwealth of Kentucky, unless the same shall bring a sum sufficient to indemnify the Commonwealth for its pledge and guaranty.

SEC. 14. *Be it further enacted*, That upon such purchase being made, it shall be the duty of the Superintendent of Public Works to cause the same to be repaired, from the city of Lexington to the town of Frankfort, and to cause the necessary cars to be put upon it, so as to make it profitable to the State, and to appoint all necessary officers or agents to superintend the same.

SEC. 15. *Be it further enacted*, That it shall be the duty of the Governor, in co-operation with the Board of Internal Improvement, or whoever may hereafter have the control and management of the public works, to have the State represented at every election of Directors in the Turnpike Companies in which the State is a stockholder, and to secure to the State, as a stockholder, the right to cast the full number of votes which, by the charters of all such companies, and by law, she has a right to cast.

SEC. 16. *Be it further enacted*, That the Board of Internal Improvement, or whoever may hereafter have the superintendence of the public works, shall, in drawing requisitions upon the Auditor, state, in a concise and intelligible manner, the consideration thereof, and upon what line of public works the service was rendered by the person in whose favor the requisition is drawn; and it shall be the duty of the Auditor to keep the requisitions thus drawn in separate parcels, and to keep, under separate heads, the accounts of warrants issued in favor of each specific object of expenditure of the Internal Improvement Fund.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Calhoon and Towles, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Haydon,	Sprigg,
Bruton,	Imboden,	Stevens, J.
Bush,	Lair,	Taylor,
Caldwell,	McHenry,	Thomasson,
Calhoon,	Mitchell,	Towles,
Chenault,	Nance,	Triplett,
Combs,	Rowlett,	Wakefield,
Curd,	Shaw,	Waring,
Fletcher,	Shuck,	Watts,
Ford,	Smith, B.	Williams,
Graham,	Smith, H. H.	Wortham—35.
Haggard,	Snyder,	

Those who voted in the negative were—

Mr. Speaker,	Gray,	Newell,
Messrs. Adams,	Harding,	Paris,
Atkinson,	Hardin,	Park,
Botts,	Harrison,	Perciful,
Brent,	Hart,	Raymon,
Buckner,	Hawkins,	Reeves,
Bullock,	Hays,	Riffe,
Chilton,	Hazlerigg,	Rudd,
Clay,	Howard,	Shanks,
Cofer,	Innes,	Skiles,
Colyer,	Johnson,	South,
Craddock,	Kirtley,	Speed,
Crenshaw,	Lackey,	Stephens, N. B.
Cunningham,	Latimer,	Stockton,
Curle,	Loving,	Thomas,
Davidson,	Marshall, C. A.	Thompson,
Draffin,	Marshall, W. C.	Trussell,
Forman,	Marshall, W. N.	Vance,
Gabbert,	Mason,	Watkins,
Goble,	Miller,	White,
Goodson,	Morgan,	Woodson—63.

Mr. Innes then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haggard and Hazlerigg, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Draffin,	Morgan,
Atkinson,	Forman,	Newell,
Botts,	Goodson,	Park,
Brent,	Hardin,	Raymon,
Buckner,	Hart,	Rudd,
Bullock,	Hays,	Skiles,
Clay,	Innes,	Stephens, N. B.
Cofer,	Latimer,	Stockton,
Colyer,	Loving,	Thomas
Combs,	Marshall, C. A.	Thompson,
Craddock,	Marshall, W. N.	Trussell,
Crenshaw,	Mason,	Vance,
Curle,	Miller,	White—39.

Those who voted in the negative were—

Mr. Speaker,	Hawkins,	Shuck,
Messrs. Brien,	Haydon,	Smith, B.
Bruton,	Hazlerigg,	Smith, H. H.
Bush,	Howard,	Snyder,
Caldwell,	Imboden,	South,
Calhoon,	Johnson,	Speed,
Chenault,	Kirtley,	Sprigg,
Chilton,	Lackey,	Stevens, J.
Cunningham,	Lair,	Taylor,
Curd,	Marshall, W. C.	Thomasson,
Davidson,	McHenry,	Towles,
Fletcher,	Mitchell,	Triplett,
Ford,	Nance,	Wakefield,
Gabbert,	Paris,	Waring,
Goble,	Perciful,	Watkins,
Graham,	Reeves,	Watts,
Gray,	Riffe,	Williams,
Haggard,	Rowlett,	Woodson,
Harding,	Shanks,	Wortham—59.
Harrison,	Shaw,	

Mr. Brent, at a quarter past 6 o'clock, P. M. moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haydon and Brent, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Forman,	Mason,
Messrs. Adams,	Goodson,	Miller,
Atkinson,	Graham,	Morgan,
Botts,	Hardin,	Newell,

Brent,	Harrison,	Park,
Buckner,	Hart,	Raymon,
Bullock,	Hawkins,	Reeves,
Chilton,	Innis,	Rudd,
Colyer,	Kirtley,	Thomas,
Craddock,	Lackey,	Thompson,
Crenshaw,	Latimer,	Trussell,
Curle,	Loving,	White,
Davidson,	Marshall, C. A.	Woodson—41.
Draffin,	Marshall, W. N.	

Those who voted in the negative were—

Messrs. Brien,	Howard,	Snyder,
Bruton,	Imboden,	South,
Bush,	Johnson,	Speed,
Caldwell,	Lair,	Sprigg,
Calhoon,	Marshall, W. C.	Stephens, N. B.
Chenault,	McHenry,	Stevens, J.
Cofer,	Mitchell,	Stockton,
Combs,	Nance,	Taylor,
Cunningham,	Paris,	Thomasson,
Curd,	Perciful,	Towles,
Fletcher,	Riffe,	Triplett,
Ford,	Rowlett,	Vance,
Gabbert,	Shanks,	Wakefield,
Gray,	Shaw,	Waring,
Haggard,	Shuck,	Watkins,
Harding,	Skiles,	Watts,
Haydon,	Smith, B.	Williams,
Hays,	Smith, H. H.	Wortham—55.
Hazlerigg,		

Mr. Hazlerigg then moved to amend said bill by adding to the first section the following, viz:

"To the turnpike road from Owingsville to the mouth of Big Sandy, thirty thousand dollars."

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hazlerigg and Goble, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bruton,	Goble,	Rudd,
Caldwell,	Haggard,	South,
Chenault,	Hart,	Stephens, N. B.
Colyer,	Hazlerigg,	Thomas,
Cunningham,	Lackey,	Waring—15.

Those who voted in the negative were—

Mr. Speaker,	Harrison,	Riffe,
Messrs. Adams,	Hawkins,	Rowlett,
Atkinson,	Haydon,	Shanks,
Botts,	Hays,	Shaw,
Brent,	Howard,	Shuck,
Brien,	Imboden,	Skiles,
Buckner,	Innes,	Smith, B.
Bullock,	Johnson,	Smith, H. H.
Bush,	Kirtley,	Snyder,
Calhoon,	Lair,	Speed,
Chilton,	Latimer,	Sprigg,
Cofer,	Loving,	Stevens, J.
Combs,	Marshall, C. A.	Stockton,
Crenshaw,	Marshall, W. C.	Taylor,
Curd,	Marshall, W. N.	Thomasson
Curle,	Mason,	Thompson,
Davidson,	McHenry,	Towles,
Draffin,	Miller,	Triplett,
Fletcher,	Mitchell,	Trussell,
Ford,	Morgan,	Vance,
Forman,	Nance,	Wakefield,
Gabbert,	Newell,	Watkins,
Goodson,	Paris,	Watts,
Graham,	Park,	White,
Gray,	Perciful,	Williams,
Harding,	Raymon,	Woodson,
Hardin,	Reeves,	Wortham—81.

Mr. Caldwell then moved an amendment to said bill.

And Mr. Morgan, at 7 o'clock, P. M. moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Caldwell and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Goodson,	Newell,
Messrs. Adams,	Harding,	Park,
Atkinson,	Hardin,	Raymon,
Botts,	Harrison,	Reeves,
Brent,	Hart,	Rudd,
Brien,	Hawkins,	Skiles,
Buckner,	Innes,	Smith, B.
Bullock,	Kirtley,	Snyder,
Chilton,	Lackey,	Stephens, N. B.
Cofer,	Latimer,	Stevens, J.
Colyer,	Loving,	Stockton,
Combs,	Marshall, C. A.	Thomas,

Craddock,	Marshall, W. C.	Thomasson,
Crenshaw,	Marshall, W. N.	Thompson,
Curle,	Mason,	Trussell,
Davidson,	McHenry,	White,
Draffin,	Miller,	Williams,
Forman,	Morgan,	Woodson—54.

Those who voted in the negative were—

Messrs. Bruton,	Haydon,	Shaw,
Bush,	Hays,	Shuck,
Caldwell,	Hazlerigg,	Smith, H. H.
Calhoon,	Howard,	South,
Chenault,	Imboden,	Speed,
Clay,	Johnson,	Sprigg,
Cunningham,	Lair,	Taylor,
Curd,	Mitchell,	Towles,
Fletcher,	Nance,	Triplett,
Ford,	Paris,	Wakefield,
Gabbert,	Perciful,	Waring,
Goble,	Riffe,	Watkins,
Graham,	Rowlett,	Watts,
Gray,	Shanks,	Wortham—43.
Haggard,		

And then the House adjourned.

THURSDAY, FEBRUARY 11, 1841.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of John Cain.

An act to change the time of holding certain Circuit Courts in the fourth Judicial district, and for other purposes.

With an amendment to the last.

That they had passed a bill, entitled, an act for the benefit of Albert Jones.

Bills from the Senate, of the following titles, viz:

1. An act to legalize the proceedings of the Spencer County Court.

2. An act allowing more time to the Hardin Circuit Court, and for other purposes.

3. An act for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College,

Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.

4. An act for the benefit of the citizens of the town of Nicholasville.

5. An act for the benefit of the Chairman and Board of Trustees of the town of Nicholasville.

6. An act to establish election precincts in the county of Pulaski.

7. An act for the benefit of Moses Royse.

8. An act for the benefit of Basil G. Smith.

9. An act to regulate the boundary line of the 46th Reg'nt of Kentucky Militia.

10. An act authorizing the closing of part of the Nashville and Lexington State road.

11. An act to amend the law concerning sealed writings.

12. An act to amend the law concerning injuries to real estate.

13. An act to incorporate the Vestry of St. Paul's Church.

14. An act for the benefit of Wm. B. Parker, late Sheriff of Lewis county.

15. An act for the benefit of Marietta H. Estes, and her children.

16. An act to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 4th, 5th, 6th, 7th, 13th and 14th were severally ordered to be read a third time; the 2d, 10th, 11th, 12th, 15th and 16th were referred to the committee for Courts of Justice; the 3d to the committee on Education; and the 8th and 9th to the committee on Military Affairs.

The rule of the House, constitutional provision and third reading of the 1st, 4th, 5th, 6th, 7th, 13th and 14th bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act for the benefit of John Gose,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Amendments were proposed to said bill, which were concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows:

An act for the benefit of John Gose, and others.

The House then took up the resolution from the Senate, to print the address on Agriculture, by the Hon. C. Allan.

The said resolution was then amended.

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Bruton and Lair, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Perciful,
Messrs. Adams,	Forman,	Riffe,
Atkinson,	Goodson,	Rudd,
Buckner,	Graham,	Shanks,
Bullock,	Haggard,	Shaw,
Bush,	Harding,	Shuck,
Caldwell,	Hardin,	Skiles,
Calhoon,	Hawkins,	Speed,
Chenault,	Haydon,	Stockton,
Chilton,	Hays,	Taylor,
Clay,	Johnson,	Thomas,
Cofer,	Kirtley,	Thomasson,
Colyer,	Loving,	Triplett,
Combs,	Marshall, C. A.	Trussell,
Craddock,	Marshall, W. C.	Vance,
Crenshaw,	Mason,	Watkins,
Cunningham,	McHenry,	Watts,
Davidson,	Mitchell,	White—56.
Draffin,	Park,	

Those who voted in the negative were—

Messrs. Brien,	Innes,	Snyder,
Bruton,	Lackey,	South,
Curd,	Lair,	Stephens, N. B.
Curle,	Marshall, W. N.	Stevens, J.
Fletcher,	Miller,	Thompson,
Gabbert,	Morgan,	Towles,
Goble,	Nance,	Wakefield,
Gray,	Newell,	Waring,
Hart,	Paris,	Williams,
Hazlerigg,	Rowlett,	Woodson,
Howard,	Smith, B.	Wortham—35.
Imboden,	Smith, H. H.	

On motion of Mr. Bullock,

Resolved, That the use of this Hall be tendered, at night, to Major Tochman, late of the Polish army, to deliver a series of Lectures on the History and Institutions of Poland, and the late Polish revolution: Provided, it does not interfere with the business of the House.

Mr. Speed, from the select committee who were appointed to enquire why

the Measures have not been procured from the United States, made the following report, viz:

The select committee appointed to enquire why the measures directed by a resolution of Congress to be furnished to the Governor of each State have not been procured for this State, have performed this duty, and beg leave to report:

That they learn from the Executive department, that the only information they have on the subject, is a letter from the Secretary of the Treasury to the late Governor Clark, dated 17th July, 1838, inclosing a report from Professor F. R. Hassler, the Superintendent of the work for the fabrication of standard weights and measures, with his (the Secretary's) report to Congress on that subject; which letter and reports had been placed by the Executive in the hands of the Keeper of the Penitentiary, for the purpose of having fabricated standard weights for the several counties of this State.

Upon application to the Keeper of the Penitentiary, your committee have been furnished with the documents above referred to, from which they learn that, in July, 1838, the date of the Secretary's report to Congress, the Superintendent was actively engaged in the preparation of the *measures* of capacity and length, and when completed and ready for delivery, the course pointed out by Congress would be duly complied with in regard to them; which documents your committee make a part of their report, for the purpose, principally, of putting each county in possession (through the Journals) of the "Instruction, relating to the use of the standard weights," appended by Professor Hassler to his report, and important, as your committee conceive, for the preservation and use of standards in the counties.

TREASURY DEPARTMENT, *July* 17, 1838.

SIR:

I have the honor to acquaint you that complete sets of standard *weights* have been prepared for the respective States of the Union, in part compliance with the annexed joint resolution of Congress, approved the 14th of June, 1836, and are now ready for delivery.

The set intended for the State of Kentucky, carefully boxed up, awaits your directions in reference to its delivery, either to yourself or such person as you may appoint to receive the same.

I transmit, herewith, a printed report, made by Professor F. R. Hassler, the person who prepared these weights, to which is appended, instructions given by him, relative to the mode of using them.

I have the honor to be,

Very respectfully, your obedient servant,

LEVI WOODBURY

Secretary of the Treasury.

To His Excellency, JAMES CLARK,

Governor of the State of Kentucky.

A resolution, providing for the distribution of weights and measures.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to cause a complete set of all the weights and measures adopted as standards, and now either made or in the progress of manufacture, for the use of the respective custom houses and for other purposes, to be delivered to the Governor of each State in the Union, or such person as he may appoint, for the use of the States respectively, to the end that an uniform standard of weights and measures may be established throughout the United States.

Approved 14th June, 1836.

TREASURY DEPARTMENT, *July* 3, 1838.

SIR:

For the information of the Senate, I have the honor to transmit, herewith, a report, made to this department by F. R. Hassler, Esq., Superintendent of the work for the fabrication of standard weights and measures. He represents that complete sets of standard *weights* for the respective States of the Union have been prepared and are now ready for delivery, and gives directions as to their use. This work has been done as directed by the joint resolution of Congress, approved the 14th of June, 1836, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to cause a complete set of all the weights and measures adopted as standards, and now either made or in the progress of manufacture, for the use of the several custom houses and for other purposes, to be delivered to the Governor of each State in the Union, or such person as he may appoint, for the use of the States respectively, to the end that an uniform standard of weights and measures may be established throughout the Union."

Immediate notice will be given to the Executive officers of the States, in order that their directions may be obtained as to the person and manner of their delivery.

The Superintendent is actively engaged in the preparation of the measures of capacity and length, also referred to in the resolution; and when completed and ready for delivery, the course pointed out by Congress will be duly complied with in regard to them.

All which is respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

Hon. WM. R. KING,
President of the Senate.

Report to the Treasury Department of the United States, upon the construction and completion of the standards of weights for all the States of the Union, by F. R. HASSLER.

I have the honor to inform you that I have completed the execution of the *first part* of the joint resolution of both Houses of Congress, of the 14th of June, 1836; namely, the construction of the uniform standards *of weights* for all the States, and that the same are now ready for delivery.

Each set of weights for one State consists of the following weights:

One 1 pound troy.
One 1 pound avoirdupois.
One 2 pound avoirdupois.
One 3 pound avoirdupois.
One 4 pound avoirdupois.
One 5 pound avoirdupois.
One 10 pound avoirdupois.
One 20 pound avoirdupois.
One 25 pound avoirdupois.
One 50 pound avoirdupois.

It is easily seen how 100 lb. &c. can be combined by their means when desired. The eight first weights are contained in one box, the two last in another, and they are together fitted again into one box for transportation. The inner boxes are lined with velvet, and each weight has its special cavity, which cannot be mistaken; in the bottom of it the value of the weight is marked. The tops of the boxes are screwed down with knobs upon brass rods, which guide the cover; they keep the upper part tight, so as to prevent all shaking of the weights by transportation. Upon the weights themselves, only a light stamp of an eagle is made, to denote the authenticity of the weight; (the small figures, stamped upon many, being only references to the private register of the weighings referring to our journals.)

It is a subject of great gratification to me to have been enabled, in the short time of two years, to execute a task which has been so much and so long desired in the country, to the extent that each State becomes at once, simultaneously and equally, supplied with these standard weights, by which, of course, the anomalies unavoidable in simple copying (which would have been the consequence of a partial delivery) is avoided; thus security of uniformity is established for the future, provided the proper care is taken for their preservation, and the preventing of accidents, according to the instructions which I shall join hereto.

The preparation of the metal for these standards, and the mode of their mechanical construction, has been stated already in some of my several previous communications.

The method of combined weighing, which I have described in my report of November last, as applied to the mint weights, has been equally applied to these weights for the States, in their ultimate adjustment, up to the 50 lb. weights, which it was not convenient, nor necessary, to treat in the same manner. The accuracy which this method of weighing affords, has been shown in the report quoted, and I can add to it only, that it has been obtained, not only proportionally, but even almost identically the same in all the larger weights of these standards.

To be enabled to produce these results, in weights of the size of those required for the sets of standards, it was necessary to construct, in the establishment itself, appropriate balances of large size, and peculiar construction, with an accuracy and strength far superior to what has ever been habitual. Brass beams of two, somewhat considerable, dimensions, supported upon metal columns, and with peculiar arrangements, have afforded the most satisfactory results, and the desired acceleration in the final adjustment has been the consequence of it. But the assiduity and attention required are

such, that the persons employed in the mechanical part of the weighing of the larger weights, were more than once entirely exhausted by the long protracted task.

All those standard weights have been adjusted by myself personally, which have served for the establishment of the multiples, and always such individuals were selected, as would produce by their sum, the fullest exactitude of the intended large weights.

Of all and every operation of weighing, regular journals were kept, in which each individual weighing, as well as the detailed results were registered, as soon as made, so that they might serve in future for any investigation that could be found desirable, similar to the habit in astronomical observations made in an observatory, and as I practice in all the operations for the coast survey.

To determine the avoirdupois pound from the troy pound, which is the only British standard, adopted as such, and made with proper authenticity, was again an operation in some respects similar to that which I had to perform for the system of ounce weights.

The awkward ratio of 5,760 grains for the troy pound, to 7,000 for the avoirdupois pound, renders its determination very precarious when done by the means of the grain weights, quoted in the legal statement, as there is no easy common divider between the two numbers; in fact, I believe that in England itself the habitual execution of this proportion is not regarded with much confidence. A similar inference might already be drawn from the fact made apparent in my report upon standard comparisons in 1832, page 30; in the last column of the table, where I deduced the value of the pound avoirdupois, that would result from each of the standards of the State Department, which are furnished with full parchment documents, stating their veracity, &c., it will be seen that the pounds deduced from the different weights vary differently between 6997.95 grains and 7001.1 grains (in the extremes) expressed in mint weights, and, for instance, the 28lb. differs for 24½ grains, and 56lb. for 93, from their legal nominal value.

The two avoirdupois pounds procured from England did not present fully the desired ratio, nor did they agree with each other within such a limit, as I could not easily discover the difference.

Having established the weight of the ounce, and its subdivisions, and multiples, from the troy pound, by the method of combinatory subdivisions, and ultimate verification, by combined weighing, (as related in my report of last November,) in such a manner as to reduce the possible differences, or anomalies, to the smallest possible degree, I considered myself better able to establish an avoirdupois pound of the true legal ratio, than the weights received from London, as such were representing, their difference besides indicated already the propriety of relying rather upon the means which I had established upon good principles, than upon the servile copying of either, or the taking of a mean between the two.

Other experiences moreover indicated to me the propriety of such a course in the settlement of this question, which is evidently left too much in the vague, by the law giving no rule, of easy following, by which to establish the avoirdupois pound, from the actual standard, the troy pound.

The troy pound which I had brought from Europe with me, already in 1805, had at that time been found exactly equal to that of the mint of Philadelphia, received by authority from England, the new troy pound, of which

an authentic copy had been procured for the same mint, proved, according to my comparison, of which I rendered account in 1832, to exceed this old pound of mine, which has always been carefully preserved, by 2.41 grains; a difference equal to the mean between the deviations discovered by Sir George Schuckburg, 1796, and that which had been found almost simultaneously with me, by Dr. Moll, in Utrecht.

These, and, I suppose, other similar facts, proving that the British mint weights were too light, a declaration to that effect took place in England by authority, depreciating the coins made before 1828, for the value of 1½ grain of the precious metal they should represent.

The troy pound which I had procured from Troughton and Simms, of London, when I began the construction of standards, proved to agree exactly with the one of the mint, declared standard for the United States by act of Congress, in 1828. But a second troy pound, procured about a year ago, proved so much lighter, that I found it not proper to put any reliance upon it.

I found best to start, for all weights whatever, from the unique weight, which I had found coincident with that of the mint, and to use my results of the ounce weights and their subdivisions, as deduced from the combined weighings, upon which I considered myself authorized to lay more confidence, for the establishment of the other weights.

Another accessory circumstance is that the weights which I received after the first troy pound, have large letters and other indications engraved upon them, which collect always more or less dust, or soil, and render it uncertain under what circumstances, in that respect, they may have been determined, or under which they may be at the time I would use them; for it must be observed that the rubbing for cleaning in the cavity is not admissible, as it would easily take more weight away than (I may be allowed to state, that) any of my weights can deviate from the truth; a slight rubbing with an oiled leather, as otherwise had been considered allowable for cleaning weights, I have found to alter them far more than I ever allowed standard weights to differ.

To adopt the grain weights from England for the completion of the difference between the pound troy and the pound avoirdupois, I considered inadmissible, on account of the accumulation of the small errors that may occur in their construction. I used only one 40 grain weight to make up the ultimate complement to the avoirdupois pound; this was one equally verified by combinatory weighing. Considering myself thus fully authorized to stand upon my own ground in the establishment of a proper avoirdupois pound, that would have the due ratio to the troy pound, as stated by law, I established the standard avoirdupois pound by the following weights:

	Grains.
1. Simms troy pound, affording - - - -	5,760
2. One two-ounce weight of my construction, - -	960
3. One half-ounce weight of the same, - - -	240
4. One forty-grain weight, determined by combination, -	40
Making the total avoirdupois pound, - - -	7,000

With this I compared again, by combined weighing, three different combinations of the ounce weights, and I included the avoirdupois pound re-

ceived from London and marked A, which was nearest coinciding with my results for the ounces, adding for its defect as deduced from determinations which I had previously made. Thus I obtained five weights, to verify by combined weighing, which established by their mutual confirmation the standard avoirdupois pound, which I adopted, and upon which, therefore, also the heavier weights are grounded, by combining an adequate and selected number of them.

By these methods and combinations, I hope that I have obtained a degree of accuracy fully satisfactory, and superior to whatever may be considered as of influence in any practical use of these standards.

F. R. HASSLER.

Washington City, June 26, 1838.

Instruction, relating to the use of the standard weights.

1. Never touch the weights with the hand, in no case whatsoever.

2. The weights are to be lifted out and in their proper places, and in any case of their being moved, by means of the fork, or hook, covered with leather, which is added to the boxes for that purpose, and fitting the different weights.

3. When the weights are taken out of the box, they must always be placed upon clean white paper, that they may not become scratched or soiled, as well when placed on a balance as otherwise.

4. The whole collection must be kept in a safe and dry place, free from all disturbances or danger of damage.

5. They must never be moved away from under the care of the officer under whose charge they are, to any other building or place, to make comparisons; but any weights to be compared must be brought to the place of deposite of the standards, to undergo the comparison.

6. To make a good comparison, the weight standard must be placed in one of the basins of the scales, and in the other must be put any heavy bodies, to make exact counterpoise to the same; when thus an exact equilibrium is obtained, the standard is removed, and in its stead the weight to be compared is placed. Whatever may have to *be added to the weight compared*, for so much it is too *light*, whatever may be needed to *add* to the *counterpoise*, will indicate the weight compared so much too *heavy*.

7. That the utmost caution is to be observed in the use of the weights will be self-evident. In all cases, the weights must not be left exposed to the open air, when not absolutely necessary.

8. As the standard weights have all their proper legal weight, it is proper to observe that, in comparing rough weights for common mercantile use, there ought always to be a certain allowance made for the wear of such weights in their use, by an overweight apportioned to the magnitude, the kind of use the weight is intended for, and the usage which it may have to withstand; as, after a while, such weights would otherwise, too soon, become too light, and deviate too much from the accuracy that may be wished in them; by this allowance, they remain longer near enough to the desired accuracy, before needing new adjustment.

9. The value of each weight is marked upon a paper, fastened to the bot-

tom of its place in the box, (in preference of stamping it upon the weights,) so that the removal of the weights can never disturb them, the fitting of the weights not admitting of their being misplaced; it is only to be observed that these papers must never be removed.

10. The boxes are expressly made without locks; the cover must be lifted up straight, as the brass bars at the sides direct. When the weights are in, the cover must be screwed down tight to its place, by means of the four finger screw knobs.

F. R. HASSLER.

Mr. Draffin, from the committee on the Penitentiary, made the following report, viz:

The committee on the Penitentiary beg leave to make the following report:

At an early day of the session, the committee visited the Penitentiary, and were gratified with its operations. The convicts are managed under the most favorable circumstances the nature of their confinement admits. Every privilege the law allows, is given them; they are kindly used. In fact, every thing that is calculated to exercise them in the way of reform, is imparted to them. The treatment of the Keeper met the entire approbation of the committee, believing, as we do, that unnecessary rigor has only the effect to retard reformation.

The doctrine that extreme severity is the most likely method of reclaiming the prisoners, has passed away, and, the committee hope, never to return. The system of solitary confinement by night, and silent labor by day, is confidently believed does, and will have a beneficial influence on the morals of the unfortunate inmates, and will ultimately accomplish and come up to the expectations, and effect the important and benevolent objects of the founders of this system—a system that protects the Commonwealth and reforms the prisoner.

The whole prison presents a scene of industry; the work-shops are clean and healthy; the health of the convicts is good; they are well clothed, and comparatively happy; they are kindly treated by the Keeper. They have plenty to eat, and that of a good, substantial quality.

There are one hundred and sixty two convicts in the Penitentiary, as appears from the last report of the Keeper.

The construction of the office, and the new cells authorized by law, are in a state of forwardness, and will be completed within this year, or nearly so. The stone work of the two hundred and fifty two cells, or dormitories, is completed, and is highly creditable to the State.

The committee examined the books and accounts of this institution. The books were found neatly kept, by a competent Clerk. The business of the institution, as appears from its books for the past year, is highly prosperous. The result of the examination of the accounts of the Penitentiary, commencing 1st of March, 1839, and ending November the 30th, 1840, showing a condensed Quarterly Balance Sheet, made out and furnished by the Clerk—which balance sheet, together with the letter accompanying the same—is here made a part of this report, marked A and B.

All of which is here to the House respectfully submitted.

JOHN DRAFFIN,

Chairman of the Committee on the Penitentiary.

A.

OFFICE KENTUCKY PENITENTIARY,
Frankfort, December 30, 1840.

SIR: In compliance with your verbal request, I transmit, herewith, the aggregated Quarterly Balance Sheets, condensed from the General Balance Sheets reported to the Commissioners of the Sinking Fund. You will perceive, by their dates, that they embrace a period of one year and nine months, commencing March 1, 1839, and ending November 30, 1840—the former being the date on which the Keeper's present term of office commenced.

It may be proper to observe that the debit side of these balance sheets exhibits the liabilities of the institution, and the credit side, the resources. But it is to be borne in mind that, while the debit side shows the entire liabilities (except a few current accounts not rendered,) the credit side does not present the entire resources. The balance sheets exhibit only the results of those transactions which have been completed and entered on the account books, namely, expenditures and receipts; while the values of manufactures, raw materials, provisions, &c. &c. on hand, do not appear here. An estimate of these values, however, appears in the Keeper's Annual Report to the General Assembly, under date December 7, 1840.

The term "Penitentiary," which you will discover used in every quarterly balance, is the *title* of that *general account* in my books, which represents the partnership, if I may so express it, existing between the Commonwealth and the Keeper; and accordingly, is the account into which every entry made, or to be made, of the business of the institution, is directly or ultimately carried, all expenses of whatever nature being carried to the debit side, and all sales to the credit side thereof. By inspection of the balance sheet for each quarter, you will find that there is a balance against this general account in every quarter but the last. The meaning of this is, that the amount of purchases and expenses is greater than the amount of sales, by the amount of the balance reported against this general account; that is, that the institution is in debt on the face of the books. But this state of things may often appear when the institution is not actually in debt; and indeed, when it is in the most prosperous condition; for it must be kept in mind, that these balance sheets do not exhibit the value of raw materials, manufactures, &c. remaining on hand, unsold. In the last quarter, however, you will see that the balance of this account is on the other side; that is, that the amount of sales exceeds the amount of purchases and other debts, and that therefore the institution is nominally and actually out of debt. This too, is the case, without reference to the value of manufactures, raw materials, &c. on hand.

I have made the foregoing explanations, which an experienced book keeper would hardly deem necessary, in anticipation of inquiries which have hitherto been made. But it will give me a sincere satisfaction to reply to any further inquiries relating to my duties, which have not been anticipated here. Respectfully, your ob't servant,

THO. B. STEVENSON,
Clerk Kentucky Penitentiary.

JOHN DRAFFIN, Esq.
Chairman Com. on Penitentiary, H. R.

B.

First Quarter, 1839, *ending May* 31, 1839.

DR.	STATE PRISON.	CR.
To Tho. S. Theobald, . .	19,988 41	By sundry debtors, . . .	8,508 15
To sundry creditors, . .	3,175 75	By bills receivable, . . .	30 00
		By cash, ...	4 85
		By Penitentiary, . . .	14,621 16
	$23,164 16		$23,164 16

Second Quarter, 1839, *ending August* 31, 1839.

To Tho. S. Theobald, . .	24,201 96	By sundry debtors, . . .	13,645 37
To sundry creditors, . .	4,734 91	By bills receivable, . . .	65 33
		By cash, ...	82 22
		By Penitentiary, . . .	15,143 95
	$28,936 87		$28,936 87

Third Quarter, 1839, *ending November* 30, 1839.

To Tho. S. Theobald, . .	28,185 21	By sundry debtors, . . .	10,574 21
To sundry creditors, . .	8,249 92	By Commonwealth of Kentucky, .	475 50
		By bills receivable, . . .	133 22
		By cash, ...	57 62
		By Penitentiary, . . .	25,194 58
	$36,435 13		$36,435 13

Fourth Quarter, 1839–'40, *ending February* 29, 1840.

To Tho. S. Theobald, . .	31,490 97	By sundry debtors, . . .	26,433 32
To sundry creditors, . .	4,234 42	By Commonwealth of Kentucky, .	501 25
		By bills receivable, . . .	462 56
		By cash, ...	198 60
		By Penitentiary, . . .	8,129 66
	$35,725 39		$35,725 39

First Quarter, 1840, *ending May* 30, 1840.

To Tho. S. Theobald, . .	22,495 94	By sundry debtors, . . .	13,514 20
To sundry creditors, . .	4,244 51	By Commonwealth of Kentucky, .	1,007 79
		By bills receivable, . . .	889 95
		By cash, ...	174 01
		By interest, ...	1 58
		By Penitentiary, . . .	11,152 92
	$26,740 45		$26,740 45

B.—Continued.

Second Quarter, 1840, *ending August* 31, 1840.

DR.	STATE PRISON.	CR.
To Tho. S. Theobald, . .	30,824 52	By sundry debtors, . . . 14,464 99
To sundry creditors, . .	5,644 56	By Commonwealth of Kentucky, . 1,026 29
		By bills receivable, . . . 944 21
		By cash, ... 442 23
		By interest, ... 8 35
		By suspense account, . . . 338 22
		By Penitentiary, . . . 19,244 79
	$36,469 08	$36,469 08

Third Quarter, 1840, *ending November* 30, 1840.

To Tho. S. Theobald, . .	37,171 66	By sundry debtors, . . . 43,535 35
To sundry creditors, . .	5,176 76	By Commonwealth of Kentucky, . 2,488 22
To Penitentiary, . . .	6,345 83	By bills receivable, . . . 1,708 10
		By cash, ... 625 83
		By suspense account, . . . 325 56
		By interest, ... 11 19
	$48,694 25	$48,694 25

Ordered, That the Public Printer forthwith print 150 copies of the said report for the use of the members of the General Assembly.

The following bills were reported by the select committees appointed to prepare and bring in the same, viz:

By Mr. Perciful—A bill allowing an additional Justice of the Peace and Constable to Graves county.

By Mr. Newell—A bill to change the time of holding the Circuit Courts in the 2d Judicial district.

By Mr. Draffin—A bill for the benefit of Edward S. Coleman, late Sheriff of Franklin county, and for other purposes.

By the committee on Ways and Means—A bill for the benefit of the Sheriff of Meade county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The House then took up for consideration the bill for the relief of emigrants, and others.

The second section of said bill was then amended.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House again resumed the consideration of the bill to amend the several acts providing for internal improvements in the State of Kentucky.

Mr. Caldwell moved to amend the bill in the first section, by striking out these words: "To the Licking river navigation, one hundred and forty thousand dollars;" and to add to the bill the following section, viz:

SEC. 3. *Be it enacted*, That the works upon Licking river shall, for the present, be suspended, and the contractors be released from their obligations to complete the several objects they have undertaken; and that the Board of Internal Improvement or Superintendent of Public Works be authorized to settle with the said contractors as to the amounts they shall severally receive on their contracts in consideration of their abandonment, and for balances due; and if they cannot agree, report the disagreement to the next Legislature; and the sum of fifty thousand dollars is hereby appropriated to pay the said balances and amounts agreed upon.

A division of the question being called for, the question was first taken on striking out, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Caldwell and McHenry, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Haydon,	Shuck,
Bruton,	Howard,	Smith, B.
Bush,	Imboden,	Smith, H. H.
Caldwell,	Lackey,	Snyder,
Calhoon,	Lair,	South,
Chenault,	McHenry,	Sprigg,
Combs,	Mitchell,	Stevens, J.
Curd,	Nance,	Taylor,
Davidson,	Paris,	Thomasson,
Fletcher,	Park,	Towles,
Ford,	Perciful,	Triplett,
Graham,	Reeves,	Wakefield,
Gray,	Riffe,	Watts,
Haggard,	Rowlett,	Woodson,
Harding,	Shanks,	Wortham—47.
Harrison,	Shaw,	

Those who voted in the negative were—

Mr. Speaker,	Gabbert,	Miller,
Messrs. Adams,	Goble,	Morgan,
Atkinson,	Goodson,	Newell,
Botts,	Hardin,	Raymon,
Brent,	Hart,	Rudd,
Buckner,	Hawkins,	Skiles,

Bullock,	Hays,	Speed,
Chilton,	Hazlerigg,	Stephens, N. B.
Clay,	Innes,	Stockton,
Cofer,	Johnson,	Thomas,
Colyer,	Kirtley,	Thompson,
Craddock,	Latimer,	Trussell,
Crenshaw,	Loving,	Vance,
Cunningham,	Marshall, C. A.	Waring,
Curle,	Marshall, W. C.	Watkins,
Draffin,	Marshall, W. N.	White,
Forman,	Mason,	Williams—51.

Mr. Calhoon then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Goodson moved that said bill have its third reading on this day; and it was decided in the affirmative.

The said bill being engrossed, was read a third time.

Mr. Goodson then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the negative.

And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Haggard and Towles, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Forman,	Morgan,
Messrs. Adams,	Gabbert,	Newell,
Atkinson,	Goodson,	Raymon,
Botts,	Hardin,	Reeves,
Brent,	Harrison,	Rudd,
Buckner,	Hart,	Skiles,
Bullock,	Hawkins,	Speed,
Chilton,	Hays,	Stockton,
Clay,	Innes,	Thomas,
Cofer,	Kirtley,	Thompson,
Colyer,	Latimer,	Trussell,
Craddock,	Loving,	Vance,
Crenshaw,	Marshall, C. A.	Watkins,
Curle,	Mason,	White—44.
Draffin,	Miller,	

Those who voted in the negative were—

Messrs. Brien,	Hazlerigg,	Shuck,
Bruton,	Howard,	Smith, B.
Bush,	Imboden,	Smith, H. H.
Caldwell,	Johnson,	Snyder,
Calhoon,	Lackey,	South,
Chenault,	Lair,	Sprigg,
Combs,	Marshall, W. C.	Stephens, N. B.
Cunningham,	Marshall, W. N.	Stevens, J.
Curd,	McHenry,	Taylor,
Davidson,	Mitchell,	Thomasson,
Fletcher,	Nance,	Towles,
Ford,	Paris,	Triplett,
Goble,	Park,	Wakefield,
Graham,	Perciful,	Waring,
Gray,	Riffe,	Watts,
Haggard,	Rowlett,	Williams,
Harding,	Shanks,	Woodson,
Haydon,	Shaw,	Wortham—54.

The House then resumed the consideration of the bill for the relief of emigrants, and others.

The second section of said bill reads as follows, viz:

Sec. 2. *Be it further enacted*, That the said act of 1833 shall not, hereafter, be so construed as to subject any citizen to the penalties of said act, who may import into this State any slave or slaves, whom said persons owned and may have heretofore carried from this State, and kept, during the whole time of their absence from Kentucky, in his or her employment: provided said persons shall, within sixty days after the importation of said slaves, appear before some Justice of the Peace of the county where said person may reside, and shall take the following oath, to-wit: "I, ———, do solemnly swear (or affirm) that the following slaves [describing them by name] were carried by me from Kentucky, and have ever since been kept in my employment, and were brought back to Kentucky by me on the ——— day of ———, with no intention of selling them: So help me God;" and shall, moreover, cause said oath or affirmation to be recorded, within thirty days thereafter, in the office of the Clerk of the County Court.

Mr. Bullock then moved to amend said bill by striking out said section.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Howard and Cunningham, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Gray,	Reeves,
Atkinson,	Harding,	Rowlett,
Brent,	Hardin,	Rudd,
Buckner,	Hawkins,	Shuck,
Bullock,	Hays,	Skiles,

Bush,	Hazlerigg,	Speed,
Caldwell,	Innes,	Sprigg,
Chenault,	Lair,	Stockton,
Chilton,	Latimer,	Thomas
Clay,	Marshall, C. A.	Thomasson,
Cofer,	Marshall, W. C.	Thompson,
Craddock,	Mason,	Triplett,
Cunningham,	Miller,	Trussell,
Curd,	Mitchell,	Vance,
Curle,	Morgan,	Wakefield,
Davidson,	Park,	Waring,
Ford,	Perciful,	Watkins,
Forman,	Raymon,	Woodson—54.

Those who voted in the negative were—

Messrs. Brien,	Harrison,	Riffe,
Bruton,	Hart,	Shanks,
Calhoon,	Haydon,	Shaw,
Colyer,	Howard,	Smith, H. H.
Combs,	Imboden,	Snyder,
Crenshaw,	Johnson,	Stephens, N. B.
Draffin,	Kirtley,	Stevens, J.
Fletcher,	Lackey,	Taylor,
Gabbert,	Marshall, W. N.	Watts,
Goble,	McHenry,	White,
Goodson,	Nance,	Williams,
Graham,	Newell,	Wortham—38.
Haggard,	Paris,	

Mr. Sprigg then moved to lay said bill, as amended, on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Curd, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Mitchell,	Sprigg,
Gray,	Rowlett,	Thomasson,
Haggard,	Smith, H. H.	Wakefield,
Hays,	Snyder,	White—13.
Miller,		

Those who voted in the negative were—

Mr. Speaker,	Goodson,	Park,
Messrs. Atkinson,	Graham,	Perciful,
Brien,	Harding,	Raymon,
Bruton,	Hardin,	Riffe,
Buckner,	Harrison,	Rudd,

Bullock,	Hart,	Shanks,
Bush,	Hawkins,	Shaw,
Caldwell,	Haydon,	Shuck,
Calhoon,	Hazlerigg,	Skiles,
Chenault,	Howard,	Smith, B.
Chilton,	Imboden,	Speed,
Clay,	Innis,	Stephens, N. B.
Cofer,	Johnson,	Stevens, J.
Colyer,	Kirtley,	Stockton,
Combs,	Lackey,	Taylor,
Craddock,	Lair,	Thomas,
Crenshaw,	Latimer,	Thompson,
Cunningham,	Marshall, C. A.	Triplett,
Curd,	Marshall, W. C.	Trussell,
Curle,	Marshall, W. N.	Vance,
Davidson,	Mason,	Waring,
Draffin,	McHenry,	Watkins,
Fletcher,	Morgan,	Watts,
Ford,	Nance,	Williams,
Forman,	Newell,	Woodson,
Gabbert,	Paris,	Wortham—77.
Goble,		

Mr. Caldwell then moved an additional section to said bill, which was adopted.

Mr. Clay then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time, as amended? and it was decided in the affirmative.

Mr. Bush moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time, as engrossed.

Mr. Fletcher then moved to amend said bill, by adding thereto the following engrossed clause, by way of ryder, viz:

That any person or persons, being a citizen of this State, and being the owner of any slave or slaves in any other State, shall have full right and power to bring the same into this State, and shall be regulated in every respect by the existing laws now in force relative to emigrants, and shall be subject to the like fines and penalties for a violation thereof.

Mr. C. A. Marshall then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fletcher and J. Stevens, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Draffin,	Park,
Atkinson,	Forman,	Perciful,
Botts,	Goodson,	Raymon,
Bullock,	Gray,	Rudd,
Bush,	Harding,	Shuck,
Caldwell,	Hardin,	Stockton,
Chenault,	Hawkins,	Taylor,
Chilton,	Hays,	Thomasson
Clay,	Hazlerigg,	Thompson,
Cofer,	Innes,	Trussell,
Colyer,	Marshall, C. A.	Vance,
Craddock,	Marshall, W. C.	Wakefield,
Crenshaw,	Mason,	Waring,
Cunningham,	Miller,	Watkins,
Curd,	Morgan,	Woodson—47.
Davidson,	Newell,	

Those who voted in the negative were—

Messrs. Brien,	Kirtley,	Skiles,
Bruton,	Lackey,	Smith, B.
Buckner,	Lair,	Smith, H. H.
Calhoon,	Latimer,	Speed,
Combs,	Marshall, W. N.	Sprigg,
Fletcher,	McHenry,	Stephens, N. B.
Ford,	Mitchell,	Stevens, J.
Gabbert,	Nance,	Thomas,
Graham,	Paris,	Triplett,
Haggard,	Riffe,	Watts,
Haydon,	Rowlett,	White,
Howard,	Shanks,	Williams,
Imboden,	Shaw,	Wortham—40.
Johnson,		

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, FEBRUARY 12, 1841.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House to a bill from the Senate, entitled,

An act concerning the town of Russellville.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of John Loving.

An act authorizing the Trustees of the Baptist Church in Taylorsville to sell their meeting house, and for other purposes.

An act for the benefit of the Trustees of the Baptist Church in the town of Shepherdsville.

An act to incorporate the Providence Methodist Episcopal Church of Cumberland county, and for other purposes.

An act allowing further time to the several County Courts to furnish a standard of weights and measures.

An act for the benefit of the Methodist and Baptist Churches in the town of Hardinsburg.

An act allowing a change of venue to Wilkins Derington.

An act to authorize certain County Courts to establish ferries across the Mississippi river.

With amendments to the two last.

And that they had passed bills of the following titles, viz:

An act more effectually to provide for the erection of suitable buildings for Clerks' offices in this Commonwealth.

An act for the benefit of Elijah Fletcher, of Graves county.

An act to change the place of voting in the Eagle Creek Precinct, in Scott county.

On the motion of Mr. Thompson—Leave was given to bring in a bill to amend an act incorporating the towns of Harrodsburg and Danville, approved March 1, 1836.

Ordered, That Messrs. Thompson, Gabbert and Calhoon prepare and bring in the same.

Mr. W. N. Marshall, from the committee on Privileges and Elections, made the following report, viz:

The committee of Privileges and Elections have, according to order, had under consideration the returns of the Sheriffs of this Commonwealth, and make thereon the following report:

That, in the opinion of this committee, the following gentlemen are returned as duly elected to serve as members of the House of Representatives for the present General Assembly, viz:

From the county of *Adair*—George A. Caldwell.
From the county of *Allen*—Robert H. Paris.
From the county of *Anderson*—John Draffin.
From the county of *Bourbon*—John Cunningham and Charles S. Brent.
From the county of *Bullitt*—John Graham.
From the county of *Breckinridge*—John Calhoon.
From the county of *Bath*—Harvey G. Hazlerigg.
From the county of *Boone*—Randal Latimer.
From the county of *Barren*—B. M. Crenshaw and Jos. B. Stockton.
From the county of *Bracken*—Wm. C. Marshall.
From the counties of *Butler and Edmonson*—Ambrose Kirtley.
From the county of *Christian*—Jas. F. Buckner and Daniel H. Harrison.
From the county of *Calloway*—James Brien.
From the county of *Clarke*—Pleasant Bush.
From the counties of *Clay* and *Perry*—Elijah Combs, jr.
From the counties of *Cumberland* and *Clinton*—James Haggard.
From the counties of *Carroll* and *Gallatin*—Edmund W. Hawkins.
From the county of *Casey*—George C. Riffe.
From the county of *Caldwell*—Jesse Stevens.
From the county of *Campbell*—John J. Thomas.
From the county of *Daviess*—George W. Triplett.
From the county of *Estill*—Ebenezer Park.
From the county of *Fleming*—John H. Botts and Woodson Morgan.
From the county of *Fayette*—Cassius M. Clay, John Curd, and Clayton Curle.
From the county of *Franklin*—Charles S. Morehead.
From the counties of *Floyd* and *Pike*—Alexander Lackey.
From the county of *Greenup*—Basil Waring.
From the county of *Graves*—John Wortham.
From the county of *Garrard*—George B. Mason.
From the county of *Green*—Wm. N. Marshall and Aaron Harding.
From the county of *Grant*—Napoleon B. Stephens.
From the county of *Grayson*—Wm. M. Gray.
From the county of *Hardin*—John Cofer and James W. Hays.
From the county of *Hickman*—John Shaw.
From the county of *Harrison*—Hugh Newell and Alex'r H. Innes.
From the county of *Hopkins*—Hiram H. Smith.
From the county of *Henderson*—Thomas Towles, jr.
From the county of *Henry*—Charles T. Chilton.
From the county of *Hart*—George W. Craddock.
From the county of *Jessamine*—Tucker Woodson.
From the county of *Jefferson*—Wm. R. Vance and Warrick Miller.
From the county of *Kenton*—John A. Goodson.
From the counties of *Knox* and *Harlan*—Green Adams.
From the counties of *Lawrence* and *Carter*—Green V. Goble.
From the county of *Lincoln*—David Shanks.
From the county of *Logan*—James W. Davidson and Sherwood W. Atkinson.
From the county of *Laurel*—Mark A. Watkins.
From the county of *Livingston*—Joseph Watts.
From the county of *Lewis*—Mandley Trussell.

From the city of *Louisville*—Wm. F. Bullock and James Rudd.
From the county of *Madison*—Wm. Chenault and Jefferson Williams.
From the county of *Mason*—Thos. M. Forman and Charles A. Marshall.
From the county of *Mercer*—Elijah Gabbert and Geo. C. Thompson.
From the county of *Monroe*—Wm. G. Howard.
From the county of *Meade*—James D. Perciful.
From the county of *Marion*—John Shuck.
From the county of *Muhlenburg*—B. E. Pittman.
From the counties of *Morgan* and *Breathitt*—Jeremiah W. South.
From the county of *McCracken*—Robert Fletcher.
From the county of *Montgomery*—James Bruton.
From the county of *Nelson*—Thos. Speed and James P. Hardin.
From the county of *Nicholas*—John M. Raymon.
From the county of *Owen*—Joseph W. Rowlett.
From the county of *Oldham*—Edward M. Taylor.
From the counties of *Ohio* and *Hancock*—John H. McHenry.
From the county of *Pulaski*—Berry Smith.
From the county of *Pendleton*—Thomas W. Hart.
From the county of *Rockcastle*—Charles Colyer.
From the county of *Russell*—Wm. D. Lair.
From the county of *Shelby*—James C. Sprigg and James Ford.
From the county of *Scott*—George W. Johnson.
From the county of *Simpson*—Davis S. Hammond.
From the county of *Spencer*—James Wakefield.
From the county of *Trigg*—Lessonby Nance.
From the county of *Todd*—Benjamin H. Reeves.
From the county of *Trimble*—John J. Thomasson.
From the county of *Union*—John Imboden.
From the county of *Warren*—Wm V. Loving and James R. Skiles.
From the county of *Woodford*—Zachariah White.
From the county of *Whitley*—Joel Snyder.
From the county of *Wayne*—Leo Haydon.
From the county of *Washington*—Robert Mitchell.

The House again resumed the consideration of the bill to prevent applications to the Legislature for divorces.

The amendment proposed by Mr. Calhoon was adopted.

Other amendments being proposed,

Mr. A. Harding moved to commit said bill and amendments to the committee for Courts of Justice,

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haggard and Lair, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Draffin,	Loving,
Messrs. Adams,	Forman,	McHenry,
Atkinson,	Goble,	Miller,
Bruton,	Goodson,	Mitchell,

Bush,	Graham,	Riffe,
Calhoon,	Gray,	Rowlett,
Chenault,	Harding,	Rudd,
Chilton,	Hardin,	Stockton,
Craddock,	Hays,	Thompson,
Crenshaw,	Lackey,	Woodson—31.
Cunningham,		

Those who voted in the negative were—

Messrs.	Botts,	Johnson,	Smith, H. H.
	Brien,	Kirtley,	South,
	Buckner,	Lair,	Speed,
	Bullock,	Latimer,	Sprigg,
	Caldwell,	Marshall, C. A.	Stephens, N. B.
	Clay,	Marshall, W. C.	Stevens, J.
	Cofer,	Marshall, W. N.	Taylor,
	Colyer,	Mason,	Thomas,
	Combs,	Morgan,	Thomasson,
	Davidson,	Nance,	Triplett,
	Fletcher,	Newell,	Trussell,
	Ford,	Paris,	Vance,
	Gabbert,	Park,	Wakefield,
	Haggard,	Perciful,	Waring,
	Hawkins,	Raymon,	Watkins,
	Haydon,	Shanks,	Watts,
	Hazlerigg,	Shaw,	White,
	Howard,	Shuck,	Williams,
	Imboden,	Smith, B.	Wortham—58
	Innes,		

On motion,

Ordered, That said bill and amendments be laid on the table for the present.

On motion of Mr. Calhoon,

Ordered, That leave of absence, until Monday next, be granted to Messrs. Davidson and Craddock.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to allow Jonathan Davidson a change of venue—reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. McHenry moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon calling of the indictment now depending in the Rockcastle Circut against Jonathan Davidson, for murder, at the next term of said court, it shall be lawful for said Davidson to elect to be tried in the county of Gar-

rard; and upon his making said election, it shall be the duty of the Judge of the Rockcastle Circuit Court to cause the consent and election of said Davidson to be entered of the record of the Rockcastle Circuit Court; and thereupon the Judge of the said court shall order said Davidson to be transferred to the jail of Garrard county, and the Clerk shall transmit to the Clerk of the Garrard Circuit Court all papers connected with said prosecution, with a copy of all the orders of the court, made in relation thereto.

SEC. 2. That in case the said Davidson shall elect to be tried in the county of Garrard, then the Garrard Circuit Court shall have power and jurisdiction to try said Davidson for the offence with which he now stands charged, as fully as if said offence had been committed in the county of Garrard; and shall have power to cause an indictment to be filed, to issue process to compel the attendance of witnesses, and to exercise all the powers given to Circuit Courts in relation to criminal trials, as fully as if the said court had original jurisdiction of the case; and in case the indictment should be quashed on account of any irregularity, or other defect, then the Garrard Circuit Court shall have power to empannel a Grand Jury for the purpose of finding a new indictment, it being the intent and meaning of this act, that in no event shall the said Davidson be discharged for any irregularity, but that a trial shall be had on the merits: Provided, however, that nothing herein contained shall be construed to deny to said Davidson the privilege of being bailed, should a court of competent jurisdiction to grant bail, believe that the offence is bailable.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Rockcastle Circuit Court to take recognizance of the witnesses on behalf of the Commonwealth, if said election shall be made, for the appearance of said witnesses in the Garrard Circuit Court; and for that purpose *subpœnas* shall be issued, and other necessary process, to compel the attendance of such witnesses before the said Rockcastle Circuit Court.

Mr. McHenry then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the negative.

And so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Colyer and Vance, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Haggard,	Shuck,
Messrs. Adams,	Hawkins,	Smith, B.
Bruton,	Haydon,	South,
Bullock,	Hays,	Speed,
Bush,	Hazlerigg,	Stevens, J.
Caldwell,	Johnson,	Thompson,
Calhoon,	Mason,	Triplett,
Combs,	McHenry,	Watkins,

Curd,	Mitchell,	Watts,
Draffin,	Paris,	White,
Fletcher,	Perciful,	Williams,
Gabbert,	Raymon,	Woodson,
Goble,	Rowlett,	Wortham—40.
Graham,		

Those who voted in the negative were—

Messrs. Atkinson,	Imboden,	Shanks,
Botts,	Kirtley,	Shaw,
Brien,	Lackey,	Skiles,
Chenault,	Lair,	Smith, H. H.
Chilton,	Latimer,	Snyder,
Cofer,	Loving,	Sprigg,
Colyer,	Marshall, C. A.	Stephens, N. B.
Craddock,	Marshall, W. C.	Stockton,
Crenshaw,	Marshall, W. N.	Taylor,
Cunningham,	Miller,	Thomas,
Ford,	Morgan,	Thomasson,
Goodson,	Nance,	Trussell,
Gray,	Newell,	Vance,
Harding,	Park,	Wakefield,
Hardin,	Riffe,	Waring—47.
Howard,	Rudd,	

Mr. N. B. Stephens, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend the law concerning awards.

An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.

An act to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.

An act for the benefit of Pleasant Sandidge, late Sheriff of Green county.

An act for the benefit of Edmund Oakley, committee of America Oakley, an idiot.

An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting House in Shelby county.

An act for the benefit of the Sheriff of Clay county.

An act to amend the law concerning appeals and writs of error.

An act authorizing certain records, &c. of the Clarke County Court to be transcribed.

An act to incorporate the Lexington Hotel Company.

An act to amend the law concerning the writ of certiorari, and for other purposes.

An act concerning exceptions to depositions.

rard; and upon his making said election, it shall be the duty of the Judge of the Rockcastle Circuit Court to cause the consent and election of said Davidson to be entered of the record of the Rockcastle Circuit Court; and thereupon the Judge of the said court shall order said Davidson to be transferred to the jail of Garrard county, and the Clerk shall transmit to the Clerk of the Garrard Circuit Court all papers connected with said prosecution, with a copy of all the orders of the court, made in relation thereto.

SEC. 2. That in case the said Davidson shall elect to be tried in the county of Garrard, then the Garrard Circuit Court shall have power and jurisdiction to try said Davidson for the offence with which he now stands charged, as fully as if said offence had been committed in the county of Garrard; and shall have power to cause an indictment to be filed, to issue process to compel the attendance of witnesses, and to exercise all the powers given to Circuit Courts in relation to criminal trials, as fully as if the said court had original jurisdiction of the case; and in case the indictment should be quashed on account of any irregularity, or other defect, then the Garrard Circuit Court shall have power to empannel a Grand Jury for the purpose of finding a new indictment, it being the intent and meaning of this act, that in no event shall the said Davidson be discharged for any irregularity, but that a trial shall be had on the merits: Provided, however, that nothing herein contained shall be construed to deny to said Davidson the privilege of being bailed, should a court of competent jurisdiction to grant bail, believe that the offence is bailable.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Rockcastle Circuit Court to take recognizance of the witnesses on behalf of the Commonwealth, if said election shall be made, for the appearance of said witnesses in the Garrard Circuit Court; and for that purpose *subpœnas* shall be issued, and other necessary process, to compel the attendance of such witnesses before the said Rockcastle Circuit Court.

Mr. McHenry then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the negative.

And so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. Colyer and Vance, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Haggard,	Shuck,
Messrs. Adams,	Hawkins,	Smith, B.
Bruton,	Haydon,	South,
Bullock,	Hays,	Speed,
Bush,	Hazlerigg,	Stevens, J.
Caldwell,	Johnson,	Thompson,
Calhoon,	Mason,	Triplett,
Combs,	McHenry,	Watkins,

Curd,	Mitchell,	Watts,
Draffin,	Paris,	White,
Fletcher,	Perciful,	Williams,
Gabbert,	Raymon,	Woodson,
Goble,	Rowlett,	Wortham—40.
Graham,		

Those who voted in the negative were—

Messrs. Atkinson,	Imboden,	Shanks,
Botts,	Kirtley,	Shaw,
Brien,	Lackey,	Skiles,
Chenault,	Lair,	Smith, H. H.
Chilton,	Latimer,	Snyder,
Cofer,	Loving,	Sprigg,
Colyer,	Marshall, C. A.	Stephens, N. B.
Craddock,	Marshall, W. C.	Stockton,
Crenshaw,	Marshall, W. N.	Taylor,
Cunningham,	Miller,	Thomas,
Ford,	Morgan,	Thomasson,
Goodson,	Nance,	Trussell,
Gray,	Newell,	Vance,
Harding,	Park,	Wakefield,
Hardin,	Riffe,	Waring—47.
Howard,	Rudd,	

Mr. N. B. Stephens, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend the law concerning awards.

An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.

An act to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.

An act for the benefit of Pleasant Sandidge, late Sheriff of Green county.

An act for the benefit of Edmund Oakley, committee of America Oakley, an idiot.

An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting House in Shelby county.

An act for the benefit of the Sheriff of Clay county.

An act to amend the law concerning appeals and writs of error.

An act authorizing certain records, &c. of the Clarke County Court to be transcribed.

An act to incorporate the Lexington Hotel Company.

An act to amend the law concerning the writ of certiorari, and for other purposes.

An act concerning exceptions to depositions.

An act for the divorce of Andrew Woods.

An act for the divorce of Wm. Wilson.

An act for the benefit of Lyman Martin, committee of Julian Montague.

An act to amend an act, entitled, an act giving to officers, and crews, and mechanics and others, a lien on steamboats.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

1. An act for the benefit of Sarah Scroggin.

2. An act for the benefit of George J. Brown, and others.

3. An act to authorize the re-binding of record books in the Clerks' offices of Hardin county.

Reported the 1st and 2d without, and the 3d with amendments, which were concurred in.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles of the first and second be as aforesaid, and that the title of the third be amended to read as follows:

An act to authorize the re-binding of certain record books in the Clerks' offices of the County Courts of Hardin, Barren, Garrard, Hart and Adair counties.

The House then took up for consideration the bill to authorize the purchase and funding of the Six Year State Bonds.

The said bill was then amended.

Mr. White moved an amendment to said bill, as a substitute.

Mr. Skiles then moved to lay said bill and substitute on the table for the present.

And the question being taken thereon it was decided in the affirmative.

Ordered, That the bill to amend proceedings in Courts of Chancery be engrossed and read a third time.

The House then took up the bill to restore the privileges of the Banks when they resume specie payments.

On motion of Mr. W. C. Marshall,

Ordered, That the said bill be laid on the table.

The House then took up for consideration the bill to tax foreign Insurance Offices and Agencies, and for other purposes.

The said bill reads as follows, viz:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of May next, it shall not be lawful for any person to act as agent for any Insurance Office not chartered by

this Commonwealth, unless he shall pay, in advance, to the Clerk of the County Court, the sum of two hundred dollars; upon the payment of which sum, the said Clerk is hereby required to issue a license to such agent, for the term of one year; and should any person presume to act as agent as aforesaid, without first obtaining such license, he shall pay the sum of five hundred dollars for each violation of this act, to be recovered by indictment in any Circuit Court of this Commonwealth having jurisdiction of the same; which money, thus received by the Clerk, shall be accounted for, and paid into the Public Treasury, for the use of the Sinking Fund.

SEC. 2. *Be it further enacted*, That from and after the first day of May next, it shall not be lawful for any person to carry on the business of Broker in this Commonwealth, unless he shall pay, in advance, to the Clerk of the County Court for the county in which such Broker shall reside, the sum of one hundred dollars, when the amount of capital to be thus employed shall not exceed ten thousand dollars, and at the rate of one per cent. for any amount of capital so employed, over and above ten thousand dollars, (to ascertain which, the Clerk of the County Court as aforesaid, shall hear the person so applying upon oath,) whereupon, it shall be the duty of the Clerk to issue to him a license, authorizing and empowering him to deal and transact business as a Broker for the term of one year, which money shall be accounted for, and paid into the Public Treasury, for the use of the Sinking Fund. And should any person presume to carry on the business of a Broker, without having first obtained a license as aforesaid, he shall forfeit and pay the sum of five hundred dollars, in addition to the sum he would have to pay for a license under the provisions of this act, to be recovered by indictment in any Circuit Court having jurisdiction of the offence.

SEC. 3. *Be it further enacted*, That the Register of the Land Office, before he shall issue any patent, shall require the person for whose benefit such patent is to issue, to pay, in advance, the sum of one dollar for each one hundred acres, which sum of money shall be paid by the Register aforesaid into the Public Treasury, for the use and benefit of the Sinking Fund.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any person to vend or sell lottery tickets, or to open an office for the purpose of vending and selling lottery tickets in this Commonwealth, without such person shall first pay, in advance, to the Clerk of the County Court within which he may sell, or open an office for the purpose of selling, lottery tickets, the sum of two hundred dollars; upon the payment of which, the Clerk as aforesaid shall issue a license authorizing such person to open an office and vend and sell such tickets; and any person presuming to violate this act, shall forfeit and pay the sum of five hundred dollars, recoverable by indictment before any Circuit Court having jurisdiction of the same; and the amount so obtained shall be paid into the Public Treasury, for the use and benefit of the Sinking Fund.

Mr. Sprigg moved to amend said bill by striking out the second section.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Haydon, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brent,	Gabbert,	Sprigg,
Bruton,	Goble,	Stephens, N. B.
Bullock,	Hart,	Taylor,
Clay,	Rudd,	Towles—14.
Ford,	South,	

Those who voted in the negative were—

Mr. Speaker,	Harrison,	Raymon,
Messrs. Adams,	Hawkins,	Reeves,
Atkinson,	Haydon,	Riffe,
Botts,	Hazlerigg,	Rowlett,
Brien,	Howard,	Shanks,
Bush,	Imboden,	Shaw,
Caldwell,	Innis,	Shuck,
Calhoon,	Kirtley,	Skiles,
Chenault,	Lackey,	Smith, B.
Chilton,	Lair,	Smith, H. H.
Cofer,	Latimer,	Speed,
Colyer,	Loving,	Stockton,
Combs,	Marshall, C. A.	Thomasson,
Crenshaw,	Marshall, W. C.	Thompson,
Cunningham,	Marshall, W. N.	Triplett,
Curd,	Mason,	Trussell,
Draffin,	McHenry,	Vance,
Fletcher,	Miller,	Wakefield,
Forman,	Mitchell,	Waring,
Goodson,	Morgan,	Watkins,
Graham,	Nance,	Watts,
Gray,	Newell,	White,
Haggard,	Paris,	Williams,
Harding,	Park,	Woodson,
Hardin,	Perciful,	Wortham—75.

Mr. Lackey then moved to amend said bill by striking out the third section.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Shanks and Mason, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brien,	Harding,	Rowlett,
Bruton,	Harrison,	Shanks,
Bullock,	Hawkins,	Shaw,
Bush,	Haydon,	Shuck,
Caldwell,	Hays,	Smith, B.
Calhoon,	Hazlerigg,	Smith, H. H.

Chenault,	Howard,	South,
Clay,	Imboden,	Stephens, N. B.
Colyer,	Kirtley,	Taylor,
Combs,	Lackey,	Thomasson,
Crenshaw,	Lair,	Thompson,
Fletcher,	Loving,	Towles,
Ford,	Nance,	Watkins,
Goble,	Paris,	Watts,
Goodson,	Park,	Williams,
Graham,	Perciful,	Wortham—50.
Haggard,	Riffe,	

Those who voted in the negative were—

Mr. Speaker,	Hardin,	Raymon,
Messrs. Adams,	Hart,	Reeves,
Atkinson,	Innes,	Rudd,
Botts,	Johnson,	Skiles,
Brent,	Latimer,	Speed,
Chilton,	Marshall, C. A.	Sprigg,
Cofer,	Marshall, W. C.	Stockton,
Cunningham,	Marshall, W. N.	Triplett,
Curd,	Mason,	Trussell,
Curle,	McHenry,	Vance,
Draffin,	Miller,	Wakefield,
Forman,	Mitchell,	Waring,
Gabbert,	Morgan,	White,
Gray,	Newell,	Woodson—42.

Mr. Shaw then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Forman moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill, as amended, was then read a third time.

Mr. Fletcher then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Clay and Rudd were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Hardin,	Park,
Atkinson,	Harrison,	Raymon,
Botts,	Hawkins,	Reeves,
Brien,	Haydon,	Rowlett,
Bush,	Hays,	Shaw,
Caldwell,	Hazlerigg,	Shuck,
Calhoon,	Howard,	Skiles,
Chenault,	Imboden,	Smith, H. H.
Chilton,	Innes,	Speed,
Cofer,	Johnson,	Stephens, N. B.
Colyer,	Kirtley,	Stockton,
Combs,	Lackey,	Thomasson,
Crenshaw,	Lair,	Thompson,
Cunningham,	Latimer,	Triplett,
Curd,	Marshall, C. A.	Trussell,
Curle,	Marshall, W. C.	Wakefield,
Fletcher,	Mason,	Waring,
Forman,	McHenry,	Watts,
Goodson,	Miller,	Williams,
Graham,	Mitchell,	Woodson,
Gray,	Morgan,	Wortham—65.
Harding,	Paris,	

Those who voted in the negative were—

Mr. Speaker,	Goble,	Shanks,
Messrs. Brent,	Haggard,	South,
Bruton,	Hart,	Sprigg,
Bullock,	Loving,	Taylor,
Clay,	Nance,	Towles,
Draffin,	Newell,	Vance,
Ford,	Perciful,	Watkins—23.
Gabbert,	Rudd,	

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

SATURDAY, FEBRUARY 13, 1841.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House to a resolution from the Senate, to print the address on Agriculture, by the Hon. Chilton Allan.

That they had disagreed to a bill from this House, entitled,

An act to add a part of the county of Franklin to the county of Anderson.

That they had passed bills from this House, of the following titles, viz:

An act to reduce the number of Justices of the Peace in Anderson county.

An act to abolish Day's precinct, in Edmonson county.

An act to repeal the law compelling the Justices of the Simpson County Court to hold court in the months the Circuit Court is held.

An act for the benefit of the Jailer of Gallatin county.

An act allowing an additional Constable to the county of Logan.

An act to add an additional Constable to the county of Nicholas.

An act to authorize the County Court of Grant to change a road.

An act to increase the resources of the Sinking Fund, and for other purposes.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21, 1840.

An act allowing an additional Justice of the Peace to the county of Owen.

With amendments to the three last named bills.

That they had passed bills of the following titles, viz:

An act to change the name of the town of Concord, in Calloway county.

An act for the benefit of Mary Bledsoe.

An act to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to incorporate the Lexington Hotel Company.

An act concerning exceptions to depositions.

An act to amend the law concerning the writ of certiorari, and for other purposes.

An act to divorce William Wilson.

An act for the divorce of Andrew Woods.

An act to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.

An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.

An act to amend the law concerning awards.

An act for the benefit of the Sheriff of Clay county.

An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting house in Shelby county.

An act for the benefit of Edmund Oakley, committee of America Oakley, an idiot.

An act for the benefit of Pleasant Sandidge, late Sheriff of Green county.

An act to amend an act, entitled, an act giving to officers and crews, and mechanics, and others, a lien on steamboats.

An act for the benefit of Lyman Martin, committee of Julian Montague.

An act to amend the law concerning appeals and writs of error.

An act authorizing certain record books, &c. of the Clarke County Court to be transcribed. Approved February 12, 1841.

Mr. Towles presented the petition of sundry citizens of Henderson county, praying that the 21st School District in said county may be divided.

Which was received, the reading thereof dispensed with, and referred to the committee on Education.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of John Loving.

An act for the benefit of the Trustees of the Baptist Church in the town of Shepherdsville.

An act allowing further time to the several County Courts to furnish a standard of weights and measures.

An act authorizing the Trustees of the Baptist Church in Taylorsville to sell their meeting house, and for other purposes.

An act for the benefit of John Cain.

An act to incorporate the Providence Methodist Episcopal Church of Cumberland county, and for other purposes.

An act to authorize the building of a bridge across Mayfield's creek.

An act to amend and reduce into one the several acts relating to the Sandy road.

An act to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.

An act for the benefit of Augustus M. Barret, Clerk of the Edmonson County and Circuit Courts.

An act for the benefit of the devisees of James H. Rowe, dec'd.

An act for the divorce of Sarah Surlott.

An act to incorporate the Pleasant Grove Meeting House.

An act for the benefit of the Methodist and Baptist Churches in the town of Hardinsburg.

Also, enrolled bills and a resolution which originated in the Senate, of the following titles, viz:

An act for the benefit of Moses Royse.

An act to establish election precincts in the county of Pulaski.

An act for the benefit of the citizens of the town of Nicholasville.

An act for the benefit of the Chairman and Board of Trustees of the town of Nicholasville.

An act to legalize the proceedings of the Spencer County Court.

An act for the benefit of John Smith.

An act concerning the town of Russellville.

An act for the benefit of Wm. B. Parker, late Sheriff of Lewis county.

An act to incorporate the Vestry of St. Paul's Church.

A resolution to print the address on Agriculture, by Hon. C. Allan.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

After some time, a message was received from the Governor, announcing that he had approved and signed said bills.

Mr. Woodson, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Clay county, praying for a removal of the seat of justice of said county—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Woodson, from the same committee, to whom was referred the petition of sundry citizens of Lawrence, Morgan and Floyd counties, praying for a new county—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

On motion of Mr. Lackey,

Ordered, That said resolution be laid on the table.

Mr. Riffe moved the following resolution, viz:

Resolved, That the Public Printer be instructed to forward to each member of this House, thirty copies of the list of the several acts passed at the present session, with brief explanations of their purport.

Which being twice read, was adopted.

Mr. Shuck read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That Richard M. Spalding, Dr. John B. Lancaster and Samuel Smith, be, and they are hereby, appointed to view and examine the Muldrow's Hill turnpike road, and report, upon oath, to this House, at its next session, the number of cubic yards of rock excavated by the contractors in making said turnpike road: designating, in such report, the number of yards of solid hard rock, and the number of slate rock.

The rule of the House requiring joint resolutions to lie on the table one day having been dispensed with, said resolution was twice read, and adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill to change the time of holding the Franklin Circuit Court.

Hn the motion of Mr. Hawkins—2. A bill for the benefit of the contractor of Lock No. 1, on the Kentucky river.

On the motion of Mr. Riffe—3. A bill for the benefit of the Sheriff of Casey county.

On the motion of Mr. Botts—4. A bill for the relief of contractors on the Maysville, Flemingsburg and Mountsterling turnpike road.

On the motion of Mr. Goodson—5. A bill for the relief of the contractors on Licking river.

On the motion of Mr. Watts—6. A bill for the benefit of Wm. Coffield.

On the motion of Mr. Goble—7. A bill for the benefit of contractors on public works, and for other purposes.

On the motion of Mr. South—8. A bill for the benefit of the heirs of John Nicholls, dec'd.

On the motion of Mr. McHenry—9. A bill for the benefit of Simon Vaught, and others.

On the motion of Mr. Skiles—10. A bill further to increase the powers of the Sinking Fund Commissioners.

On the motion of same—11. A bill for the benefit of John Hulme.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 8th and 9th; Messrs. Hawkins, Johnson, Rowlett, Towles and Cofer the 2d; Messrs. Riffe, Shuck and Loving the 3d; Messrs. Botts, Morgan, C. A. Marshall and Forman the 4th; the committee on Internal Improvement the 5th and 7th; Messrs. Skiles, Bullock and Thompson the 10th; the committee on Propositions and Grievances the 6th; and Messrs. Skiles, Bullock and Rudd the 11th.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Claims—1. A bill for the appropriation of money.

By same—2. A bill for the benefit of J. Franklin Dulaney.

By Mr. Hazlerigg—3. A bill to provide for the payment of the debt now due from the State to the contractors on the Owingsville and Big Sandy turnpike road.

By Mr. Morgan—4. A bill to amend the school law.

By Mr. Shuck—5. A bill for the benefit of the Sheriff of Casey county.

By Mr. Thompson—6. A bill to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1st, 1836.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to a committee of the whole for Tuesday next; the 2d, 5th and 6th were severally ordered to be engrossed and read a third time; the 3d was referred to the committee on Internal Improvement; and the 4th to the committee on Education.

The rule of the House, constitutional provision and third reading of the 2d, 5th and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Goble, from the select committee who were appointed to prepare and bring in the same—reported a bill for the benefit of James McGuire.

Which was read the first time.

On motion,

Ordered, That the said bill be laid on the table.

An engrossed bill, entitled, an act allowing D. and J. Trimble and John T. Woodrow to erect a forge dam across Little Sandy—was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the benefit of Wm. Wilbourn, of the county of Russell.

An act for the benefit of the Sheriff of Carter county.

An act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved Feb. 16, 1838.

An act to change the time of holding certain Circuit Courts in the fourth Judicial district.

An act to authorize certain County Courts to establish ferries across the Mississippi river.

An act allowing a change of venue to Wilkins Derrington.

An act allowing an additional Justice of the Peace to the county of Owen.

An act to amend an act, entitled, an act to amend and reduce into one the several act regulating the town of Henderson, approved January 21st, 1840.

An act to amend an act reserving certain property from execution, and for other purposes.

An act to amend an act, entitled, an act to divide the State into Congressional districts.

Were twice read, and concurred in.

The amendment proposed by the Senate to a bill from this House, entitled, an act to increase the resources of the Sinking Fund, and for other purposes, was taken up for consideration.

Said amendment proposed to strike out the —— section of the bill.

The said section reads as follows, viz:

Be it further enacted, That this act shall expire at the end of two years from and after its passage; and then the tax shall be ten cents on the hundred dollars, as is now provided by law; any thing contained in this act to the contrary notwithstanding.

After some discussion had thereon, Mr. W. C. Marshall moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Will this House concur in the amendment of the Senate? and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Towles and Hays, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hardin,	Riffe,
Messrs. Adams,	Hart,	Rudd,
Atkinson,	Innes,	Skiles,
Botts,	Kirtley,	Snyder,
Brent,	Latimer,	Speed,
Bullock,	Loving,	Stephens, N. B.
Chilton,	Marshall, C. A.	Stockton,
Clay,	Marshall, W. C.	Thomas,
Colyer,	Mason,	Thompson,
Crenshaw,	McHenry,	Triplett,
Cunningham,	Miller,	Trussell,
Curle,	Morgan,	Vance,
Draffin,	Newell,	White,
Forman,	Park,	Woodson—44.
Goodson,	Raymon,	

Those who voted in the negative were—

Messrs. Brien,	Hawkins,	Shanks,
Bruton,	Haydon,	Shaw,
Bush,	Hays,	Shuck,
Caldwell,	Hazlerigg,	Smith, B.
Calhoon,	Howard,	Smith, H. H.
Chenault,	Imboden,	South,
Cofer,	Johnson,	Stevens, J.
Combs,	Lackey,	Taylor,
Curd,	Lair,	Thomasson
Fletcher,	Marshall, W. N.	Towles,
Gabbert,	Mitchell,	Wakefield,
Goble,	Nance,	Waring,
Graham,	Paris,	Watkins,
Gray,	Perciful,	Watts,
Haggard,	Reeves,	Williams,
Harding,	Rowlett,	Wortham—49.
Harrison,		

Mr. McHenry, from the committee on the Sinking Fund, made the following report, viz:

The committee on the Sinking Fund, in pursuance of a resolution of this House instructing them to enquire into the manner in which the "evidence "of the payment of interest on the Six Year Bonds of this Commonwealth

"is perpetuated, and whether coupons or other duplicate evidences of such "payment are retained by the proper officer," beg leave to report:

That they have examined into the manner in which said evidences are kept, and find that books are prepared in which proper entries may be made, and that the manner of keeping the evidences of the payment of interest is as follows: The amount, number, date, payee, and the time each bond falls due, is entered in a well bound book; that when bonds are presented for the payment of interest, a memorandum is made of the number, date, and payee of the bond, the time for which the interest is counted, and the amount of interest due, and the whole due upon the bond presented is added together, and a warrant issued on the Treasurer for the amount, (stating the acount on which it is drawn,) and a receipt is taken for the warrant, before it is delivered; the number and amount of the warrant, and the purpose for which it is drawn, are entered on a day-book, and then posted into a leger, and the time to which interest is paid is endorsed on the bond; no coupons were prepared for or issued with these bonds. Although the above course is pursued in keeping the accounts and evidences of payment of interest, your committee believe there is no mode prescribed, by law, in which it shall be done. It is a matter of much importance, that the entries in the books shall be promptly made, and your committee believe it would add much to the security and preservation of the evidences of the payment of interest, to have some memorandum relative thereto, filed in the office of the Secretary of State, and that it would be better to have the whole matter regulated, by law, than to leade it alone to the Auditor to act upon his own responsibility, To this end they beg leave to report a bill.

JOHN H. McHENRY, *Chairman.*

Mr. McHenry, from the same committee—reported a bill prescribing the mode of preserving the evidences of the payment of interest on certain State Bonds.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the House a communication from the Firsr Auditor, which is as follows, viz:

STATE OF KENTUCKY, AUDITOR'S OFFICE,
February 13, 1841.

DEAR SIR:

In obedience to a resolution of the House of Representatives, approved 20th August, 1840, permit me to ask the favor of you to lay the enclosed answer, which is in tabular form, before the House over which you preside, to the above referred to resolution; which, when added to the answer made by the Second Auditor to the same resolution, completes the information required. I am yours, &c.

BEN. SELBY, *Auditor.*

Hon. C. S. MOREHEAD,
Speaker of the House of Representatives.

This Table shows the amount of warrants issued by Auditor of Public Accounts, from 27th Feb. 1839, to the 10th Oct. 1840, inclusive, unedr the head of Internal Improvement, Sinking Fund, and School Fund, and interest on Six Year 6 per cent. State Bond Fund; also, receipts into the Treasury under the same heads, during the same period, which comprises the business of the Auditor's two last reports—first for the fraction of year ending and including 10th October, 1339; the last ends and includes 10th October, 1840.

DATE.	Internal Improvement Warrants, issued from 11th October, 1838, to the 10th October, 1839.	Internal Improvement Warrants, issued from 11th October, 1839, & 1840.	Internal Improvement Increase.	Decrease.	Warrants issued 1838 and 1839, Sinking Fund.	Warrants issued 1839 and 1840, Sinking Fund.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
October,	–	53,778 32	–	–	–	3,633 50
November,	–	74,601 66	–	–	–	31,241 52
December,	–	23,241 01	–	–	–	8,900 00
January,	–	99,469 55	–	–	–	24,142 67
February,	–	19,765 31	–	–	–	1,942 42
March,	378,829 37	–	–	37,892 37	7,000 00	
April,	323,716 99	81,750 00	–	241,966 99	–	3,760 12
May,	20,113 21	178,800 00	158,686 79	–	–	1,000 00
June,	66,457 34	69,964 91	3,507 57	–	5,967 00	766 00
July,	76,355 07	39,963 83	–	36,391 24	–	65,961 63
August,	65,399 25	34,400 00	–	30,999 25	1,214 77	749 80
September,	77,528 59	53,091 58	–	24,437 01	–	4,140 37
October,	–	18,946 04	18,946 04	–	38,054 40	800 00
	$1,008,462 82	$747,772 21			$52,236 17	$147,038 03

TABLE—Continued.

DATE.	Increase.	Decrease.	Warrants issued 1838 & 1839, School Fund.	Warrants issued 1839 & 1840, School Fund.	Increase.	Decrease.	Warrants issued 1840, Interest 6 Year Bonds.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
October,							
November,							
December,							
January,							
February,	–	–	–	68 75	68 75		
March,	–	7,000 00					
April,	3,760 12						
May,	1,000 00						
June,	–	5,201 00					
July,	65,961 63						
August,	–	464 97	–	25,530 20	25,530 20		
September,	4,140 37						
October,	–	37,254 40	21,500 00			21,500 00	563 01
			$21,500 00	$25,598 95			563 01

TABLE—Continued.

Receipts into the Treasury for same time and purposes.

DATE.	Internal Improvement Warrants, issued from 11th October, 1838, to 10th October 1839.	Internal Improvement Warrants, issued from 11th October, 1839, & 1840.	Internal Improxement increase.	Decrease.	Warrants issued 1838 and 1839, Sinking Fund.	Warrants issued 1839 and 1840, Sinking Fund.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
October,	–	19,386 67	–	–	–	3,548 25
November,	–	102,988 33	–	–	–	31,241 52
December,	–	29,380 00	–	–	–	9,670 37
January,	–	64,389 50	–	–	–	25,142 67
February,	–	1,000 00	–	–	–	2,673 34
March,	–	–	–	–	7,000 00	
April,	371,999 59	81,000 00	–	290,999 59	–	4,029 20
May,	66,391 87	179,710 00	113,318 13	–	8,467 00	
June,	45,000 00	79,540 00	24,540 00	–	–	766 00
July,	59,690 00	34,200 00	25,490 00	–	36,769 17	66,438 74
August,	138,036 67	55,400 00	–	82,636 67	–	422 69
September,	–	51,731 00	51,731 00	–	–	2,220 00
October,	21,500 00	337,532 50	316,032 50	–	85 25	800 00
	$702,618 13	$1,045,258 00	–	–	52,321 42	$146,952 78

TABLE (*Receipts*)—Continued.

TABLE (*Receipts*)—Continued.

DATE.	Increase.	Decrease.	Warrants issued 1838 & 1839, School Fund.	Warrants issued 1839 & 1840, School Fund.	Increase.	Decrease.	Warrants issued 1840, Interest 6 Year Bonds.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
October,							
November,							
December,							
January,	–	–	–	22,003 95	22,003 95		
February,							
March,	–	7,000 00					
April,	4,029 20						
May,	–	8,467 00					
June,	766 00						
July,	29,669 57						
August,	422 69	–	–	25,530 20	25,530 20		
September,	2,220 00	–	–	–	–	–	1,000 00
October,	714 75	–	21,568 75	–	–	21,568 75	
			$21,568 75	$47,534 15			$1,000 00

E. E.

BEN. SELBY, *Auditor Public Accounts.*

The House took up the bill to render more efficient and available the resources of the Sinking Fund.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the moneys, stocks, credits and property now belonging to or appertaining to the Sinking Fund, or which may hereafter compose a part of said fund, shall be vested in the President and Directors of the Bank of the Commonwealth of Kentucky, whose duties and powers over said fund shall be such as are now prescribed and defined by existing laws, with the exceptions hereinafter stated; and, to that end, it shall be the duty of the Commissioners of the Sinking Fund, and their Secretary or Agents, to hand over to the President and Directors of the Bank of the Commonwealth of Kentucky, all the books, papers and credits in their charge, relative to the Sinking Fund, and finally and fully to adjust their accounts with the said President and Directors of said Bank.

SEC. 2. *Be it further enacted*, That the fourth section of the act, entitled, "an act to increase the resources of the Sinking Fund," approved February 13, 1838, is hereby repealed; and hereafter, the said President and Directors, as Commissioners of the Sinking Fund, shall exercise their best discretion in the purchase of stocks, and in the transferring of funds to those places where the interest on Internal Improvement Bonds is demandable of the State by the holders thereof.

SEC. 3. *Be it further enacted*, That the dividends which may be declared upon stock now held by the Commissioners of the Sinking Fund in the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, and which stock has been, or may hereafter be, transferred to the Commissioners of the Sinking Fund at either of the agencies of said Banks in the cities of New York and Philadelphia, shall be placed to the credit of, and subject to the drafts of the Commissioners of the Sinking Fund hereby created, at the several agencies aforesaid, where stocks in said Banks have been, or may hereafter be transferred to the Commissioners of the Sinking Fund; and in all cases where the Commissioners of the Sinking Fund have a right, by the charters and rules and by-laws of said Banks, to demand the payment of dividends declared upon Bank stock held by them in either of said Banks, to be paid at the several agencies of said Banks in said cities.

SEC. 4. *Be it further enacted*, That before entering upon the discharge of the duties hereby assigned to the President and Directors of the Bank of the Commonwealth of Kentucky, the bond now required of the President aforesaid, as presiding officer of the Bank of the Commonwealth, shall contain a provision which shall bind him also to the faithful discharge of his duties as Commissioner of the Sinking Fund; and the Directors shall each enter into a bond to the Commonwealth, with sufficient security, to be approved of by the Governor, in the penalty of fifty thousand dollars each, conditioned for the faithful performance of their duties, and the accounting for all such sums of money as shall be received by them, from time to time, by virtue of their said commission as Commissioners of the Sinking Fund; upon which bonds suit or suits may be brought, for breach thereof, by the Attorney General of the State, in the General Court of the State; and that said bonds shall be filed with the First Auditor of Public Accounts.

SEC. 5. *Be it further enacted*, That for the purpose of avoiding loss in the payment of the interest, semi-annually accruing on the Bonds of the State, sold for internal improvement purposes, and which is payable in the city of New York, the Commissioners of the Sinking Fund, in their corporate character, shall have the power to deal in exchange, to the amount of the surplus funds in their hands, after paying the interest periodically accruing upon the Bonds of the State sold for internal improvement purposes.

SEC. 6. *Be it further enacted*, That to lessen the amount of the public debt, and thereby diminish the amount of interest periodically accruing thereon, and to insure its final redemption, the Commissioners of the Sinking Fund, in their corporate character, may convert the stock they hold, into money, or scrip of the State, if they find it to the advantage of the State to do so; and if they find it to be profitable or advantageous to sell them again, they may do so: *Provided, however*, That they shall not purchase from the Governor of the State any State Bonds whatever, or from any person else, unless merely for profit, and to render more available the resources of the Sinking Fund.

SEC. 7. *Be it further enacted*, That in the journal of their proceedings, as Commissioners of the Sinking Fund, and as President and Directors of the Bank of the Commonwealth of Kentucky, they shall record the days when they, in either character or capacity, receive money; the amount received; the days when received and when disbursed, or when vested; the amount so expended or disbursed, and the amount vested; in what kind of stocks they made investments; the names of the persons, corporations or companies from whom they purchased stocks, and upon what terms the stocks were purchased; and they shall keep a record of all such transactions in their journals.

SEC. 8. *Be it further enacted*, That they shall keep a record of the names of all persons, corporations or companies, with whom they have dealings in exchange, and the amount of Bills of Exchange bought by them, and of the amount sold, and of the rates of discount and premiums in the buying and selling Bills of Exchange.

SEC. 9. *Be it further enacted*, That in the purchase of stocks, and in the buying and selling of Bills of Exchange, a majority of the Commissioners of the Sinking Fund, chosen under this act, shall concur, and in every such exercise of their powers they shall vote *viva voce*, and shall enter the yeas and nays, upon the proposition submitted, upon their journals.

SEC. 10. *Be it further enacted*, That the Commissioners of the Sinking Fund, in the settlement of their accounts with the Commissioners of that fund chosen under this act, shall not be allowed credits for moneys retained by them as being so much difference in the value of Kentucky currency and the currency of New York, Philadelphia, Richmond, Virginia, or Washington City, or on payments of money, as interest, to the Board of Education, on the bonds held by them as a School Fund, unless they give satisfactory evidence to the Commissioners chosen under this act that they did actually remit funds to the cities before named to pay the interest accruing on the bonds held by the Board of Education: and did actually, at proper times, make remittances to the city of New York to pay the interest semi-annually accruing on the Bonds of the State sold for internal improvement purposes, and did actually, in making such remittances, suffer, by way of exchange, the loss charged by them in their accounts: *Provided, however*, That if it shall ap-

pear to the Commissioners chosen under this act, that the credits claimed by the Commissioners of the Sinking Fund as so much exchange paid on the amount of interest accruing on Education Bonds, was actually paid over to the Board of Education, such credits shall be allowed to the Commissioners of the Sinking Fund; and the Commissioners chosen under this act shall make a record of the amount of moneys on this and all other accounts, paid over to the Board of Education by the Commissioners of the Sinking Fund.

Sec. 11. *Be it further enacted*, That it shall be the duty of the Commissioners of the Sinking Fund, chosen under this act, to ascertain for what purpose and by what means the Commissioners of the Sinking Fund made remittances to Richmond, Virginia, and the cities before named, on the 14th day of March, 1839, as they state in their accounts; and to ascertain if the semi-annual interest accruing on Internal Improvement Bonds, due January 1st, 1839, had not been paid before the remittances, in March following, were made; and if the amount of the remittances in March, 1839, did not exceed the amount of semi-annual interest accruing, and to become due, on said bonds, on the 1st day of July, 1839; and in their report to the Legislature, they shall give all the information required of them to obtain by this act.

Sec. 12. *Be it further enacted*, That the Commissioners of the Sinking Fund, chosen under this act, shall not expend or disburse any of the moneys belonging to said fund, for any purpose whatever, unless the same has been first audited and placed into the Treasury of the State.

Sec. 13. *Be it further enacted*, That all moneys received by the Board of Internal Improvement (or whoever may hereafter have the superintendence of the public works) as tolls from turnpike roads, or works of slackwater navigation, shall be immediately audited and placed in the Public Treasury of the State, with the other revenues belonging to the Sinking Fund.

Sec. 14. *Be it further enacted*, That as the Branch Bank of the Bank of Kentucky, seated at Frankfort, is, by the charter of said Bank, the depository of the revenues of the State, to aid in the management of the fiscal affairs of the State, the Commissioners of the Sinking Fund are hereby restricted from drawing any money from that fund, unless by a warrant from the Auditor on the Treasurer, whose duty it shall be to deposit all moneys belonging to the Sinking Fund in said Branch Bank, immediately upon the receipt thereof, to the credit of the Commissioners of the Sinking Fund. And it shall be the duty of the Treasurer, upon the presentation of the warrant of the Auditor in behalf of the Commissioners of the Sinking Fund, to check in favor of said Commissioners for the amount mentioned in the warrant. And it shall be the duty of said Commissioners to preserve all such checks, when surrendered to them by said Branch Bank, upon a settlement of their accounts with said Branch Bank.

Sec. 15. *Be it further enacted*, That journals of the proceedings of the Commissoners of the Sinking Fund, chosen under this act, shall be at all times free for the inspection of any member of the Legislature, or the Governor of the State.

Sec. 16. *Be it further enacted*, That the Commissioners of the Sinking Fund, chosen under this act, shall have the power to employ a Clerk, whose duty it shall be to do all the clerical duties necessary to be done for them as President and Directors of said Commonwealth's Bank, and as Commissioners of the Sinking Fund, at an annual salary of two hundred dollars; and the

salary of the President of the Bank of the Commonwealth shall not hereafter exceed, annually, the sum of seven hundred dollars.

SEC. 17. *Be it further enacted*, That a majority of the Commissioners of the Sinking Fund, chosen under this act, shall constitute a quorum to do all the business requisite to be done by them, either as such Commissioners, or in their characters as President and Directors of the Commonwealth's Bank, and their stated meetings may be at such times as the business submitted to their charge may require, and the times of their stated meetings shall be published in such way as to give general notice thereof,

SEC. 18. *Be it further enacted*, That the Commissioners of the Sinking Fund may have called meetings, at the request of any member of the Board, whenever the business of the Board of Commissioners requires it.

The question was then taken on ordering said bill to be engrossed and read a third time, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Bullock, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Haydon,	Shuck,
Messrs. Atkinson,	Hays,	Smith, B.
Brent,	Hazlerigg,	Smith, H. H.
Bruton,	Howard,	Snyder,
Bullock,	Imboden,	South,
Bush,	Innes,	Speed,
Caldwell,	Lair,	Sprigg,
Chenault,	Marshall, C. A.	Stephens, N. B.
Chilton,	Marshall, W. C.	Stevens, J.
Clay,	Marshall, W. N.	Stockton,
Cofer,	Mason,	Thomas,
Colyer,	McHenry,	Thomasson,
Combs,	Miller,	Thompson,
Crenshaw,	Mitchell,	Triplett,
Cunningham,	Morgan,	Trussell,
Draffin,	Paris,	Vance,
Gabbert,	Park,	Waring,
Goodson,	Perciful,	Watkins,
Graham,	Raymon,	Watts,
Haggard,	Reeves,	White,
Hardin,	Riffe,	Williams,
Harrison,	Rowlett,	Wortham—68.
Hawkins,	Shanks,	

Those who voted in the negative were—

Messrs. Brien,	Harding,	Rudd,
Fletcher,	Lackey,	Skiles—8.
Goble,	Nance,	

Mr. Bush then moved a re-consideration of the vote ordering said bill to be engrossed and read a third time.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the negative. And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Skiles and Gabbert, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Brent,	Harrison,	Shaw,
Bruton,	Hart,	Smith, B.
Bullock,	Haydon,	Snyder,
Bush,	Imboden,	South,
Chenault,	Innes,	Sprigg,
Chilton,	Lair,	Stephens, N. B.
Cofer,	Marshall, W. N.	Stevens, J.
Draffin,	Mitchell,	Stockton,
Fletcher,	Park,	Thomasson,
Gabbert,	Perciful,	Towles,
Gray,	Rowlett,	Vance,
Haggard,	Shanks,	Watkins—36.

Those who voted in the negative were—

Mr. Speaker,	Hays,	Rudd,
Messrs. Atkinson,	Hazlerigg,	Shuck,
Botts,	Howard,	Skiles,
Brien,	Kirtley,	Speed,
Caldwell,	Lackey,	Thomas,
Clay,	Marshall, W. C.	Thompson,
Colyer,	Mason,	Triplett,
Crenshaw,	McHenry,	Trussell,
Cunningham,	Miller,	Wakefield,
Forman,	Morgan,	Waring,
Goble,	Nance,	Watts,
Goodson,	Paris,	White,
Graham,	Raymon,	Williams,
Harding,	Reeves,	Woodson,
Hardin,	Riffe,	Wortham—46.
Hawkins,		

Ordered, That the bill to reduce the salaries of certain public officers of this Commonwealth, be referred to the committee for Courts of Justice.

A bill from the Senate, entitled, an act to change the time of the annual meeting of the General Assembly—was read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Howard and Cunningham, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Haggard,	Riffe,
Atkinson,	Harding,	Rowlett,
Botts,	Hays,	Rudd,
Brent,	Howard,	Shanks,
Bruton,	Imboden,	Shaw,
Bullock,	Innis,	Shuck,
Bush,	Kirtley,	Skiles,
Chenault,	Lackey,	Smith, B.
Chilton,	Latimer,	Smith, H. H.
Cofer,	Loving,	South,
Colyer,	Marshall, W. N.	Speed,
Crenshaw,	Mason,	Stephens, N. B.
Cunningham,	Miller,	Stockton,
Curle,	Morgan,	Trussell,
Draffin,	Newell,	Waring,
Fletcher,	Paris,	Watts,
Gabbert,	Park,	Williams,
Graham,	Perciful,	Wortham—56.
Gray,	Raymon,	

Those who voted in the negative were—

Mr. Speaker,	Hazlerigg,	Thomasson,
Messrs. Brien,	Marshall, C. A.	Thompson,
Combs,	Marshall, W. C.	Triplett,
Forman,	McHenry,	Vance,
Goodson,	Mitchell,	Wakefield,
Hart,	Nance,	White,
Hawkins,	Stevens, J.	Woodson—23.
Haydon,	Thomas,	

Bills from the Senate, of the following titles, viz:

1. An act for the benefit of Albert Jones.

2. An act to change the place of voting in the Eagle Precinct, in Scott county.

3. An act for the benefit of Elijah Fletcher, of Graves county.

4. An act for the benefit of Mary Bledsoe.

5. An act to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841.

6. An act to change the name of the town of Concord, in Calloway county.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills (except the 4th, which was referred to the committee on Religion,) having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act more effectually to provide for the erection of suitable buildings for Clerks' offices in this Commonwealth—was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative.

And so the said bill was disagreed to.

An engrossed bill, entitled, an act to amend the penal laws of this Commonwealth—was read a third time.

On motion of Mr. Vance,

Ordered, That said bill be laid on the table for the present.

A message was received from the Senate, by Mr. Barlow, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of the estate of John Robbins, dec'd; which was granted, and the bill withdrawn.

An engrossed bill, entitled, an act to ascertain the criminal statistics of this Commonwealth—was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the bill dispensing with the services of a Superintendent of Public Schools, be made the special order for Monday next.

An engrossed bill, entitled, an act to amend the proceedings in Courts of Chancery—was read a third time.

On motion of Mr. Rudd,

Ordered, That said bill be laid on the table for the present.

An engrossed bill, entitled, an act for the benefit of Edmund Gibbons, of the county of Clinton—was read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Vance and Perciful, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Howard,	Shanks,
Messrs. Brien,	Innes,	Shaw,
Bruton,	Kirtley,	Smith, B.
Chenault,	Lackey,	South,
Chilton,	Loving,	Stephens, N. B.
Combs,	Marshall, W. N.	Stevens, J.
Fletcher,	McHenry,	Thomas,
Gabbert,	Miller,	Towles,
Goble,	Mitchell,	Triplett,

Goodson,	Nance,	Vance,
Haggard,	Paris,	Watkins,
Harrison,	Park,	Watts,
Hart,	Riffe,	Williams,
Haydon,	Rowlett,	Wortham—43.
Hays,		

Those who voted in the negative were—

Messrs. Atkinson,	Gray,	Skiles,
Botts,	Harding,	Smith, H. H.
Brent,	Hawkins,	Speed,
Bullock,	Hazlerigg,	Stockton,
Bush,	Imboden,	Thomasson,
Cofer,	Mason,	Thompson,
Crenshaw,	Morgan,	Trussell,
Cunningham,	Perciful,	Wakefield,
Draffin,	Rudd,	Waring,
Forman,	Shuck,	Woodson—31.
Graham,		

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

MONDAY, FEBRUARY 15, 1841.

A message was received from the Senate, announcing that they recede from their disagreement to the amendment proposed by this House to a bill from the Senate, entitled,

An act concerning the record books of the County and Circuit Courts of Madison.

That they concur in the amendment proposed by this House to a bill from the Senate, entitled, an act for the benefit of John Gose.

That they had disagreed to bills from this House of the following titles:

An act for the benefit of Juliet Henry, exec'x of Mathis W. Henry, dec'd.

An act for the benefit of the Vincennes Historical and Antiquarian Society.

That they had passed bills from this House of the following titles, viz:

An act to incorporate the Nelson County Mutual Insurance Company.

An act to change the time of holding the Circuit Courts in the 2d Judicial district.

An act to authorize Jesse Murphy to build a fish dam on Pond river.

An act for the benefit of the Russellville Male Academy.

An act to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.

An act for the benefit of Thomas Mitchell, Jailer of Lewis county.

An act for the benefit of the administrator of John B. Cloud.

An act for the benefit of Lydia Riley.

An act for the relief of the securities of the late Clerk of the Fleming County Court.

An act for the benefit of Ambrose Kirtley.

An act to incorporate the town of Napoleon, in the county of Gallatin.

An act for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wilcox, and others.

An act allowing an additional Justice of the Peace and Constable to Graves county.

An act concerning the town of Augusta.

An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

An act for the benefit of the Clerk of the Oldham County Court.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.

An act to amend the penal laws.

With amendments to the five last named bills.

That they had passed bills of the following titles, viz:

An act more effectually to protect the right of suffrage.

An act to incorporate the Winchester Lyceum.

An act to amend an act to provide for the distribution and preservation of the public books, approved December 21, 1825.

An act to suspend an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved 10th February, 1841.

An act for the benefit of the Common School Commissioners for the county of Jessamine.

An act for the benefit of the infant children of Matilda Perry, dec'd.

An act to authorize the County Court of Kenton to lay an additional levy, and for other purposes.

That they had adopted a resolution directing the manner of printing the Acts of the General Assembly.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Moses Royse.

An act to establish election precincts in the county of Pulaski.

An act for the benefit of the Chairman and Board of Trustees of the town of Nicholasville.

An act for the benefit of the citizens of the town of Nicholasville.

An act to legalize the proceedings of the Spencer County Court.

An act for the benefit of John Smith.

An act concerning the town of Russellville.

An act to incorporate the Vestry of St. Paul's Church.

An act for the benefit of Wm. B. Parker, late Sheriff of Lewis county.

Approved February 13, 1841.

A resolution to print the address on Agriculture, by the Hon. C. Allan.

Approved February 13, 1841.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Watts—1. A bill for the benefit of R. W. Allcorn, Sheriff of Livingston county.

On the motion of Mr. Shuck—2. A bill for the benefit of Thos. Burns.

On the motion of Mr. White—3. A bill to regulate the gates on the turnpike road from Versailles to Christopher's Landing.

Ordered, That Messrs. Watts, Reeves and Kirtley prepare and bring in the 1st; Messrs. Shuck, W. N. Marshall and A. Harding the 2d; and the committee on Internal Improvement the 3d.

1. Mr. Perciful presented the remonstrance of the heirs of Hugh Call, deceased, against selling a mill seat, &c. in Meade county.

2. Mr. Goodson presented the petition of sundry citizens of Kenton county, praying for an additional Justice of the Peace and Constable to said county.

Which were received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

A message (in writing) was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate and of the House of Representatives:

I have just received a letter from the Hon. John J. Crittenden, which I herewith transmit, resigning his seat in the Senate of the United States.

February 15, 1841. R. P. LETCHER.

WASHINGTON, *February* 6, 1841.

MY DEAR SIR:

Some weeks past, I had the honor to receive from you, the official certificate of my election, by the General Assembly of Kentucky, to the Senate of the United States for the term of six years, to commence on the 4th day of March next. I have caused that certificate to be presented to the Senate, and placed upon its files.

Circumstances of recent occurrence have just now determined me to decline its acceptance; and I hasten to give you that information, in the hope

that it may be communicated to the General Assembly in time to enable them to elect another Senator before the close of the present session.

In taking this step, which must so soon put an end to the official relations that have so long bound me to my native State, I have not been able to suppress a thousand anxious and painful emotions. The occasion also brings back upon me the recollection of all the often repeated and various marks of favor, and confidence, and distinction, which I have received from the General Assembly of Kentucky, and fills my heart with feelings of gratitude, and a sense of obligation that no language can express. Their late re-election of me to the Senate of the United States, I regard as the highest honor of my life; and the proud and grateful memory of it, is a treasure of which no destiny can deprive me.

The heart of no Kentuckian can ever know or feel sentiments of affection and devotion to his native State, that are not, and ever shall be, cherished in my bosom.

I hope, sir, that the occasion which has excited, may be allowed to excuse the expression of these feelings.

I have the honor to be,

With great respect, yours, &c.

J. J. CRITTENDEN.

To R. P. Letcher, Esq., *Governor, &c.*

P. S. It is proper, perhaps, to add, that it is my intention to serve in the Senate to the end of my present term, which will expire on the third day of March next.

Mr. Reeves read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Tuesday next, proceed to the election of a United States Senator, to fill the vacancy occasioned by the non-acceptance of that office by the Hon. J. J. Crittenden.

The rule of the House requiring joint resolutions to lie on the table one day having been dispensed with,

The said resolution was twice read, and adopted.

Mr. Calhoon, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to establish a general law concerning manufacturing corporations—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Mr. Fletcher moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

Resolved, That the title of the said bill be as aforesaid.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Marietta H. Estes, and her children.

An act to establish the town of Milburn, in the county of Hickman.

An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

An act to amend the laws incorporating the town of Hickman.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill for the benefit of James Newton—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Shuck, from the same committee, to whom was referred a bill from the Senate, entitled, an act authorizing the closing of part of the Nashville and Lexington State road—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Calhoon, from the same committee, to whom was referred a bill for the benefit of Charles E. Mills—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the same committee, to whom was referred a bill to amend the act to establish the Shelby College—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

Mr. Clay moved that said bill have its third reading on this day.

And the question being taken thereon it was decided in the affirmative.

The said bill was then read a third time.

Mr. Vance then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sprigg and Towles, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Gabbert,	Shuck,
Atkinson,	Goodson,	Skiles,
Botts,	Hawkins,	Smith, B.
Bruton,	Hays,	South,
Bullock,	Hazlerigg,	Speed,
Bush,	Kirtley,	Stephens, N. B.
Chenault,	Latimer,	Stockton,
Chilton,	Loving,	Thomas
Clay,	Mason,	Thomasson,
Cofer,	Miller,	Thompson,
Colyer,	Morgan,	Triplett,
Combs,	Paris,	Vance,
Craddock,	Park,	Wakefield,
Cunningham,	Raymon,	Williams,
Curle,	Rudd,	Woodson,
Draffin,	Shanks,	Wortham—48.

Those who voted in the negative were—

Messrs. Brent,	Howard,	Rowlett,
Buckner,	Imboden,	Shaw,
Calhoon,	Innes,	Snyder,
Fletcher,	Lackey,	Sprigg,
Forman,	Lair,	Towles,
Goble,	Marshall, W. C.	Trussell,
Graham,	McHenry,	Waring,
Gray,	Mitchell,	Watkins,
Haggard,	Newell,	Watts,
Harrison,	Reeves,	White—32.
Haydon,	Riffe,	

Resolved, That the title thereof be as aforesaid.

Mr. Vance, from the committee on Ways and Means, to whom was referred the petition of David Matthis—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

On motion of Mr. Vance—Leave was given to withdraw said petition; and the same was withdrawn.

The following bills were reported by the select committees appointed to prepare and bring in the same, viz:

By the committee for Courts of Justice—A bill to amend the several acts to suppress the practice of duelling.

By same—A bill concerning free persons of color, and others.

By same—A bill for the benefit of Morrison W. Smith, and others.

By same—A bill for the benefit of the Police Judge of the town of Lancaster, and for other purposes.

By the committee on Ways and Means—A bill for tne benefit of the Sheriffs of Laurel and Livingston counties.

By same—A bill for the benefit of the Sheriff of Rockcastle county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Vance, from the committee on Ways and Means, to whom was referred a bill to amend the law in relation to pedlars, and for other purposes—reported the same without amendment.

Mr. Colyer then moved an amendment to said bill.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Mr. Vance moved a re-consideration of the vote of Saturday last, passing a bill for the benefit of Edmund Gibbons, of the county of Clinton.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McHenry and Haydon, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Draffin,	Rudd,
Atkinson,	Forman,	Shuck,
Brent,	Harding,	Skiles,
Bush,	Hawkins,	Smith, H. H.
Chenault,	Innes,	Stockton,
Chilton,	Marshall, W. C.	Thompson,
Clay,	Mason,	Trussell,
Cofer,	Miller,	Vance,
Craddock,	Morgan,	Waring,
Crenshaw,	Park,	Watkins,
Cunningham,	Perciful,	Woodson—35.
Curle,	Raymon,	

Those who voted in the negative were—

Mr. Speaker,	Hays,	Shanks,
Messrs. Bruton,	Hazlerigg,	Shaw,
Buckner,	Howard,	Smith, B.
Bullock,	Imboden,	Snyder,
Calhoon,	Kirtley,	South,

Colyer,	Lackey,	Speed,
Combs,	Lair,	Sprigg,
Fletcher,	Latimer,	Stephens, N. B.
Gabbert,	Loving,	Thomas,
Goble,	Marshall, W. N.	Thomasson
Goodson,	McHenry,	Towles,
Graham,	Mitchell,	Triplett,
Gray,	Newell,	Watts,
Haggard,	Paris,	White,
Harrison,	Reeves,	Williams,
Hart,	Riffe,	Wortham—50.
Haydon,	Rowlett,	

A message was received from the Senate, announcing their concurrence in a resolution from this House fixing a day for the election of a Senator in Congress—with an amendment.

The said amendment was then twice read, and disagreed to.

Mr. N. B. Stephens, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act concerning the record books of the County and Circuit Courts and Surveyors of this Commonwealth.

An act for the benefit of John Gose, and for other purposes.

An act to change time of the annual meeting of the General Assembly.

An act to change the place of voting in the Eagle Precinct, in Scott county.

An act for the benefit of George J. Brown, and others.

An act for the benefit of Sarah Scroggin.

An act to change the name of the town of Concord, in Calloway county.

An act to establish a general law concerning manufacturing corporations.

An act to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841.

An act for the benefit of Albert Jones.

An act for the benefit of Elijah Fletcher, of Graves county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

A message was received from the Senate, announcing the passage of a bill, entitled, an act to amend the several acts providing for internal improvements in the State of Kentucky.

And that they insist on their amendment to a resolution from this House, fixing a day for the election of a Senator in Congress; that they had appointed a committee of conference on their part, to meet a similar committee on the part of this House in relation to the said disagreement between the two Houses.

Whereupon Messrs. McHenry, W. C. Marshall and Calhoon were appointed a committee on the part of this House.

In a short time, Mr. McHenry, from the committee, made the following report, viz :

The joint committee, raised on the part of the Senate and House of Representatives on the subject of a disagreement on the election of a United States Senator, have unanimously come to the following resolution :

Resolved, That the General Assembly of the Commonwealth of Kentucky will, on Tuesday evening, the 16th instant, at four o'clock, proceed, by joint ballot, to elect a United States Senator, to serve six years from the fourth of March next, to fill the vacancy occasioned by the non-acceptance of that office by the Hon. John J. Crittenden.

Which being twice read, was concurred in.

The House then, according to order, took up the bill dispensing with the services of a Superintendent of Common Schools.

The said bill reads as follows, viz :

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act, entitled, an act to establish a system of Common Schools in the State of Kentucky, as authorizes or requires the appointment of a Superintendent of Common Schools, at an annual salary of one thousand dollars, be, and the same is hereby, repealed.

SEC. 2. *Be it further enacted*, That the Governor, Secretary of State, and Attorney General, shall constitute the Board of Education, and shall vest the proceeds of the School Fund in such stocks as are now required by law.

Mr. Bullock moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Haggard and Mason, were as follows, viz :

Those who voted in the affirmative were—

Mr. Speaker,	Forman,	Speed,
Messrs. Atkinson,	Goble,	Thomas,
Botts,	Goodson,	Thompson,
Buckner,	Gray,	Towles,
Bullock,	Miller,	Triplett,
Chilton,	Perciful,	Trussell,
Cofer,	Rudd,	Vance—23.
Combs,	Skiles,	

Those who voted in the negative were—

Messrs. Brent,	Hazlerigg,	Rowlett,
Bruton,	Howard,	Shanks,
Bush,	Imboden,	Shaw,
Calhoon,	Innes,	Shuck,
Chenault,	Kirtley,	Smith, B.

Clay,	Lackey,	Smith, H. H.
Colyer,	Lair,	Snyder,
Craddock,	Latimer,	Sprigg,
Crenshaw,	Marshall, W. N.	Stephens, N. B.
Cunningham,	Mason,	Stevens, J.
Curle,	McHenry,	Stockton,
Fletcher,	Mitchell,	Thomasson,
Gabbert,	Morgan,	Wakefield,
Graham,	Newell,	Watkins,
Haggard,	Paris,	Watts,
Harrison,	Park,	White,
Hawkins,	Raymon,	Williams,
Haydon,	Riffe,	Wortham—55.
Hays,		

Mr. Shaw then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the negative.

And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Haggard and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bruton,	Howard,	Shuck,
Calhoon,	Lair,	Smith, B.
Combs,	Marshall, W. N.	Smith, H. H.
Craddock,	Mason,	Snyder,
Davidson,	McHenry,	Sprigg,
Ford,	Nance,	Stephens, N. B.
Gabbert,	Paris,	Stevens, J.
Graham,	Park,	Stockton,
Haggard,	Reeves,	Taylor,
Harrison,	Riffe,	White,
Haydon,	Shanks,	Woodson—35.
Hays,	Shaw,	

Those who voted in the negative were—

Mr. Speaker,	Goble,	Rowlett,
Messrs. Atkinson,	Goodson,	Rudd,
Botts,	Gray,	Skiles,
Brent,	Hart,	Speed,
Brien,	Hazlerigg,	Thomas,
Bullock,	Imboden,	Thomasson,
Bush,	Innis,	Thompson,
Chilton,	Latimer,	Towles,
Cofer,	Miller,	Triplett,

Colyer,	Mitchell,	Trussell,
Curle,	Morgan,	Vance,
Draffin,	Newell,	Waring,
Fletcher,	Perciful,	Williams,
Forman,	Raymon,	Wortham—42.

A message was received from the Senate, announcing the passage of bills from that House, of the following titles, viz:

An act to incorporate the Louisville Iron Manufacturing Company, under the General Law.

An act to incorporate the Louisville Cotton Manufacturing Company, under the General Law.

And their concurrence in the report of the committee of conference on the disagreement between the two Houses on the resolution from this House fixing a day for the election of a Senator in Congress.

The House then took up for consideration the bill to repeal the 5th, 6th, 7th and 8th sections of an act, entitled, an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

Mr. Riffe then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. W. C. Marshall and Vance, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Graham,	Shuck,
Messrs. Adams,	Gray,	Smith, B.
Atkinson,	Harrison,	Speed,
Botts,	Hays,	Sprigg,
Brent,	Innes,	Stephens, N. B.
Buckner,	Kirtley,	Stevens, J.
Bullock,	Latimer,	Taylor,
Chenault,	Marshall, W. C.	Thomas,
Chilton,	Mason,	Thompson,
Cofer,	Miller,	Towles,
Colyer,	Morgan,	Triplett,
Cunningham,	Newell,	Trussell,
Curle,	Park,	Vance,
Davidson,	Raymon,	Wakefield,
Ford,	Riffe,	Watts,
Forman,	Rudd,	Woodson—50.
Gabbert,	Shanks,	

Those who voted in the negative were—

Messrs. Brien,	Hawkins,	Paris,
Bruton,	Haydon,	Perciful,
Bush,	Hazlerigg,	Reeves,
Calhoon,	Howard,	Rowlett,
Combs,	Imboden,	Shaw,
Craddock,	Lackey,	Skiles,
Crenshaw,	Lair,	Smith, H. H.
Draffin,	Loving,	Snyder,
Fletcher,	Marshall, W. N.	Stockton,
Goble,	McHenry,	Thomasson,
Goodson,	Mitchell,	White,
Haggard,	Nance,	Williams—37.
Hart,		

Mr. Towles moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time, as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fifth, sixth, seventh and eighth sections of the act, entitled, "an act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes," be, and they are hereby repealed.

SEC. 2. That it shall be the duty of the Second Auditor, as soon as practicable, to notify the agents appointed by him under the aforesaid act, not to proceed further, in fulfilment of the duties assigned them by the sections hereby repealed.

SEC. 3. That if any person in possession, under a title adverse to that which had been struck off to the State, in addition to paying the taxes under said title, shall have purchased also the title so struck off before the passage of this act, such person shall be entitled to receive from the Public Treasury, the amount paid, on his presenting his claim, duly authenticated, to the Auditor of Public Accounts.

The question was then taken on the passage of said bill, and decided in the negative. And so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Speed and J. Stevens, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Park,
Messrs. Adams,	Forman,	Raymon,
Atkinson,	Gabbert,	Riffe,
Botts,	Graham,	Rudd,
Brent,	Hays,	Shanks,
Bullock,	Innes,	Speed,
Chenault,	Latimer,	Stephens, N. B.
Chilton,	Marshall, W. C.	Thomas,

Cofer,	Mason,	Thompson,
Colyer,	Miller,	Trussell,
Cunningham,	Morgan,	Vance,
Curle,	Newell,	Woodson—37.
Davidson,		

Those who voted in the negative were—

Messrs. Brien,	Hawkins,	Shuck,
Bruton,	Haydon,	Skiles,
Buckner,	Hazlerigg,	Smith, B.
Bush,	Howard,	Smith, H. H.
Calhoon,	Imboden,	Snyder,
Clay,	Kirtley,	Sprigg,
Combs,	Lackey,	Stevens, J.
Craddock,	Lair,	Stockton,
Crenshaw,	Loving,	Taylor,
Draffin,	Marshall, W. N.	Thomasson,
Fletcher,	McHenry,	Triplett,
Goble,	Mitchell,	Wakefield,
Goodson,	Nance,	Waring,
Gray,	Paris,	Watkins,
Haggard,	Perciful,	Watts,
Harding,	Reeves,	White,
Harrison,	Rowlett,	Williams,
Hart,	Shaw,	Wortham—54.

The House then took up for consideration the bill for the benefit of the Lexington and Ohio Railroad Company.

Mr. Draffin moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Calhoon then moved that said bill have its third reading on this day.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time.

Mr. W. C. Marshall then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Goble, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Forman,	Shanks,
Messrs. Adams,	Gabbert,	Shuck,
Atkinson,	Goodson,	Skiles,
Botts,	Hart,	Speed,
Brent,	Hawkins,	Stephens, N. B.
Bullock,	Innes,	Stockton,
Calhoon,	Kirtley,	Taylor,
Chilton,	Latimer,	Thomas,
Clay,	Loving,	Thomasson,
Cofer,	Marshall, W. C.	Thompson,
Colyer,	Mason,	Towles,
Combs,	McHenry,	Trussell,
Crenshaw,	Morgan,	Vance,
Cunningham,	Park,	Wakefield,
Curle,	Raymon,	Williams,
Draffin,	Rudd,	Woodson—48.

Those who voted in the negative were—

Messrs. Brien,	Haydon,	Riffe,
Bruton,	Hays,	Rowlett,
Buckner,	Hazlerigg,	Shaw,
Bush,	Howard,	Smith, B.
Chenault,	Imboden,	Smith, H. H.
Craddock,	Lackey,	Sprigg,
Davidson,	Lair,	Stevens, J.
Fletcher,	Marshall, W. N.	Triplett,
Ford,	Mitchell,	Waring,
Goble,	Nance,	Watkins,
Graham,	Newell,	Watts,
Gray,	Paris,	White,
Haggard,	Perciful,	Wortham—40.
Harding,		

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

TUESDAY, FEBRUARY 16, 1841.

A message was received from the Senate, announcing that they recede from their amendment proposed to a bill from this House, entitled,

An act to increase the resources of the Sinking Fund, and for other purposes.

That they had disagreed to a bill from this House, entitled,

An act for the benefit of the heirs of Carter Tadlock, deceased.

That they had passed bills of the following titles, viz:

An act for the benefit of the children of Thomas W. Peake.

An act for the benefit of Rachel Lindsey.

An act supplemental to the act granting a change of venue to James S. McCauley.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of John Gose, and for other purposes.

An act concerning the record books of the County and Circuit Courts, and Surveyors of this Commonwealth.

An act to change the place of voting in the Eagle Precinct, in Scott county.

An act to change the time of the annual meeting of the General Assembly.

An act for the benefit of Elijah Fletcher, of Graves county.

An act for the benefit of Albert Jones.

An act to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841.

An act for the benefit of George J. Brown, and others.

An act for the benefit of Sarah Scroggin.

An act to change the name of the town of Concord, in Calloway county.

An act to establish a general law concerning manufacturing corporations.

Approved February 15, 1841.

On the motion of Mr. Thompson—Leave was given to bring in a bill to incorporate the Harrodsburg Lyceum.

Ordered, That Messrs. Thompson, Gabbert, McHenry and Adams prepare and bring in the same.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

An act for the benefit of the Clerk of the Oldham County Court.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.

An act to amend the penal laws.

Were twice read, and concurred in.

The amendment proposed by the Senate to a bill from this House, entitled, an act concerning the town of Augusta—were twice read, and disagreed to.

Bills from the Senate, of the following titles, viz:

1. An act more effectually to protect the right of suffrage.

2. An act to incorporate the Winchester Lyceum.

3. An act to amend an act to provide for the distribution and preservation of the public books, approved December 31, 1825.

4. An act for the benefit of the Common School Commissioners for the county of Jessamine.

5. An act for the benefit of the infant children of Matilda Perry, dec'd.

6. An act to authorize the County Court of Kenton to lay an additional levy, and for other purposes.

7. An act to incorporate the Louisville Iron Manufacturing Company, under the General Law.

8. An act to incorporate the Louisville Cotton Manufacturing Company, under the General Law.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills (except the 1st, which was referred to the committee for Courts of Justice,) having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to suspend an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved 10th February, 1841,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be amended to read as follows:

An act to repeal an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved 10th February, 1841.

A resolution from the Senate, directing the manner of printing the Acts of the General Assembly—was taken up, twice read, and adopted.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate, and of the House of Representatives:

In compliance with a request of the General Assembly of the State of Delaware, made through the Executive of that State, I transmit to the Legislature a copy of a report and resolutions in favor of a distribution of the proceeds of the sales of the Public Lands of the United States amongst the several States.

February 16, 1841. R. P. LETCHER.

DEPARTMENT OF STATE,
DOVER, *February* 5, 1841.

SIR:

By the direction of His Excellency, Governor Cooper, I have the honor to transmit you the enclosed copy of resolutions adopted by the General Assembly of this State, with the request that the same may be laid before the Legislature of the State over which you preside.

I have the honor to be, sir,
Very respectfully, yours, &c.
JOHN W. HOUSTON,
Secretary of State.

His Excellency, the Governor of Kentucky.

In the General Assembly of the State of Delaware, January Session, 1841.

The committee to whom was referred so much of the Governor's message as relates to the distribution of the proceeds of the sales of the Public Lands among the several States, &c.—report:

That the citizens of this State consider the Public Lands as an inheritance purchased by the toil, sufferings, blood and treasure of our revolutionary fathers, and bequeathed to their successors, in which the people of all the States have an equal right; and that their interest therein is of too much value and too highly appreciated by them to be relinquished without an adequate equivalent; that they view with deep solicitude the continual efforts in National Legislature, to deprive the original States of their just and equitable rights in the public lands, by either ceding them to the new States, or disposing of them at prices merely nominal. That the people of Delaware look forward with anxiety, but not without hope, to the time when the revenue arising from the sales of the Public Lands shall be distributed among the States generally, according to their population, and applied to the purposes of education, thereby promoting the general welfare, by giving safety and permanence to our free institutions, the best security of which will always be found in the knowledge and intelligence of the people. Your committee, therefore, recommend the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That this Legislature views with a jealous eye, every attempt to make a partial distribution of the proceeds of the Public Lands of the Union among the States, whether by a direct grant to a State, or by sales at prices far below their value to the citizens thereof.

Resolved, That the proceeds of the sales of the public domain should be entirely separated from the general revenue, and distributed among the several States according to their population, to be by them applied to the purposes of education.

Resolved, That we consider the Public Lands as the common property of all the States, and therefore solemnly protest against any partial distribution of the proceeds thereof.

Resolved, That our Senators in Congress be instructed, and our Representative in Congress be requested, to make use of their best efforts to procure the passage of a law for the distribution of the proceeds of the Public Lands

among the several States, to be appropriated by them, so as to promote the cause of general education.

Resolved, That the foregoing report and resolutions be signed by the Speaker of the Senate and by the Speaker of the House of Representatives; and that a copy be transmitted to each of our Senators and our Representative in Congress, to be laid before their respective Houses; and that the Executive of each State be furnished with a copy, by the Governor of this State, and requested to lay the same before their respective Legislatures.

ROBERT HOUSTON,
Speaker of the House of Representatives.
CHARLES POLK,
Speaker of the Senate.

House of Representatives, January 15, 1841, reported, read, and adopted unanimously. Joseph P. Comegys, Clerk.

In Senate, January 16, 1840, presented, read, and concurred in unanimously. George P. Fisher, Clerk.

The House again resumed the consideration of the bill to amend the law in relation to pedlars, and for other purposes.

The said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

On motion,

Ordered, That said bill have its third reading on this day.

The said bill was then read a third time.

Mr. Shaw then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill pass? and it was decided in the negative. And so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Draffin and Towles, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams,	Hawkins,	Shuck,
Atkinson,	Latimer,	Stephens, N. B.
Buckner,	Marshall, C. A.	Stockton,
Bullock,	Marshall, W. C.	Thomasson,
Chilton,	Mason,	Thompson,
Craddock,	McHenry,	Towles,
Cunningham,	Miller,	Triplett,
Davidson,	Mitchell,	Trussell,
Fletcher,	Morgan,	Vance,
Forman,	Perciful,	Wakefield,
Goodson,	Raymon,	Watkins,
Harding,	Reeves,	Watts,
Hardin,	Riffe,	Woodson—41.
Harrison,	Shanks,	

Those who voted in the negative were—

Mr. Speaker,	Graham,	Paris,
Messrs. Botts,	Gray,	Park,
Brent,	Haggard,	Rowlett,
Brien,	Hart,	Rudd,
Bruton,	Haydon,	Shaw,
Bush,	Hays,	Skiles,
Caldwell,	Hazlerigg,	Smith, B.
Calhoon,	Howard,	Smith, H. H.
Clay,	Innes,	Snyder,
Cofer,	Johnson,	Speed,
Colyer,	Kirtley,	Stevens, J.
Combs,	Lackey,	Taylor,
Crenshaw,	Lair,	Thomas
Curle,	Loving,	Waring,
Draffin,	Marshall, W. N.	White,
Ford,	Nance,	Williams,
Gabbert,	Newell,	Wortham—52.
Goble,		

Mr. Johnson then moved a re-consideration of the vote rejecting said bill.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be re-committed to the committee on Ways and Means.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Nelson County Mutual Insurance Company.

An act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved Feb. 16, 1838.

An act to incorporate the town of Napoleon, in the county of Gallatin.

An act for the benefit of E. Barnes, Peter Able, P. C. Slaughter, Z. Wilcox, and others.

An act to authorize the County Court of Grant to change a road.

An act for the benefit of Wm. Wilbourn, of the county of Russell.

An act for the relief of the securities of the late Clerk of the Fleming County Court.

An act for the benefit of Ambrose Kirtley.

An act to change the time of holding certain Circuit Courts in the fourth Judicial district.

An act for the benefit of the Sheriffs of Carter, Muhlenburg, Logan, Laurel and Perry counties.

An act to change the time of holding the Circuit Courts in the 2d Judicial district.

An act to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.

An act for the benefit of the estate of John Robbins, dec'd.

An act to amend an act, entitled, an act to divide the State into Congressional districts.

An act for the benefit of Thomas Mitchell, Jailer of Lewis county.

An act allowing an additional Justice of the Peace and Constable to Graves county.

An act to authorize Jesse Murphy to build a fish dam on Pond river.

An act for the benefit of the Russellville Male Academy.

An act for the benefit of Lydia Riley.

An act for the benefit of the administrator of John B. Cloud.

An act for the benefit of the Jailer of Gallatin county.

An act to add an additional Constable to the county of Nicholas.

An act allowing an additional Constable to the county of Logan.

An act to repeal the law compelling the Justices of the Simpson County Court to hold court in the months the Circuit Court is held.

An act to reduce the number of Justices of the Peace in Anderson county.

An act to abolish Day's precinct, in Edmonson county.

An act allowing a change of venue to Wilkins Derington.

An act to authorize certain County Courts to establish ferries across the Mississippi river.

An act to amend an act reserving certain property from execution, and for other purposes.

An act allowing additional Justices of the Peace to the counties of Owen and Muhlenburg.

A resolution fixing a day for the election of a Senator in Congress.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

After some time, a message was received from the Governor, announcing that he had approved and signed said bills and resolution.

The House then, according to order, resolved itself into a committee of the whole, on the bill for the appropriation of money—Mr. Ford in the chair—and after some time spent therein, the Speaker resumed the chair; when Mr. Ford reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted some amendments thereto; which he handed in at the Clerk's table.

The said amendments were then twice read, and concurred in.

Mr. Sprigg moved an amendment to said bill.

Mr. Fletcher then moved the previous question.

And the question was then taken: Shall the main question be now put? and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and Colyer, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Bullock,	Harrison,	Reeves,
Colyer,	Hawkins,	Rudd,
Combs,	Hays,	Shanks,
Draffin,	Innes,	Skiles,
Fletcher,	Lair,	Smith, H. H.
Forman,	Latimer,	Stephens, N. B.
Gabbert,	Loving,	Trussell,
Goodson,	Marshall, C. A.	Waring,
Graham,	McHenry,	Watts—28.
Hardin,		

Those who voted in the negative were—

Mr. Speaker,	Hazlerigg,	Rowlett,
Messrs. Atkinson,	Howard,	Shaw,
Bruton,	Imboden,	Smith, B.
Buckner,	Kirtley,	Sprigg,
Bush,	Marshall, W. C.	Stockton,
Chenault,	Mitchell,	Taylor,
Chilton,	Nance,	Thomasson
Cofer,	Newell,	Triplett,
Craddock,	Paris,	Vance,
Cunningham,	Park,	Wakefield,
Ford,	Perciful,	Watkins,
Gray,	Riffe,	Wortham—37.
Haggard,		

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act for the relief of emigrants, and others.

An act for the benefit of Joseph Nelson.

With amendments to each.

And that they had passed a bill, entitled,

An act for the divorce of George Ann Murray.

Mr. McHenry, from the committee on the Sinking Fund—reported a bill for the benefit of Wm. Brown.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with, it was re-committed to the committee on the Sinking Fund.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of Joseph Nelson—were twice read, and concurred in.

A bill from the Senate, entitled, an act for the divorce of George Ann Murray,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bill having been dispensed with, it was referred to the committee on Religion.

Ordered, That Mr. Towles inform the Senate that this House is now ready to proceed to the election of a Senator in the Congress of the United States.

A message was received from the Senate, by Mr. Ballinger, announcing that the Senate were also ready to proceed to said election.

Mr. Bush nominated Mr. James T. Morehead; Mr. Skiles nominated Mr. Charles A. Wickliffe; Mr. Bullock nominated Mr. William Owley; Mr. Thompson nominated Mr. John Calhoon; Mr. Reeves nominated Mr. Richard A. Buckner; and Mr. Forman nominated Mr. Thomas Metcalfe.

And after interchanging nominations, the House proceeded to take the vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Curle,	Thomas,
Messrs. Brent,	Goodson,	Triplett,
Bush,	Hawkins,	Trussell,
Chilton,	Loving,	Vance,
Clay,	Marshall, W. C.	White,
Colyer,	Paris,	Williams—20.
Combs,	Taylor,	

Those who voted for Charles A. Wickliffe, were—

Messrs. Adams,	Hazlerigg,	Shuck,
Davidson,	McHenry,	Skiles,
Graham,	Mitchell,	Wakefield—10.
Hardin,		

Those who voted for William Owsley, were—

Messrs. Atkinson,	Lackey,	Newell,
Bullock,	Marshall, C. A.	Shanks,
Ford,	Mason,	Speed,
Gabbert,	Miller,	Woodson—12.

Those who voted for John Calhoon, were—

Messrs. Cofer,	Johnson,	South,
Fletcher,	Nance,	Stevens, J.
Goble,	Perciful,	Thomasson,
Gray,	Rowlett,	Thompson,
Harrison,	Shaw,	Towles,
Hart,	Smith, H. H.	Watkins,
Hays,	Snyder,	Wortham—22.
Imboden,		

Those who voted for Richard A. Buckner, were—

Messrs. Brien,	Haydon,	Riffe,
Buckner,	Howard,	Smith, B.
Caldwell,	Kirtley,	Sprigg,
Craddock,	Lair,	Stephens, N. B.
Crenshaw,	Marshall, W. N.	Stockton,
Haggard,	Reeves,	Watts—19.
Harding,		

Those who voted for Thomas Metcalfe, were—

Messrs. Botts,	Forman,	Park,
Bruton,	Innes,	Raymon,
Chenault,	Latimer,	Rudd,
Cunningham,	Morgan,	Waring—13.
Draffin,		

Messrs. Reeves, Thompson and Forman were appointed a committee on the part of this House, to meet a similar committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time, Mr. Reeves reported that the joint vote stood thus:

For James T. Morehead, - - - -	24
For Charles A. Wickliffe, - - - -	20
For William Owsley, - - - -	16
For John Calhoon, - - - -	29
For Richard A. Buckner, - - - -	26
For Thomas Metcalfe, - - - -	18

No one on nomination having received a majority of all the votes given, the House proceeded to a second vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Goodson,	Thomas,
Messrs. Brent,	Hawkins,	Triplett,
Bush,	Hazlerigg,	Trussell,
Chilton,	Marshall, W. C.	Vance,
Clay,	Speed,	White,
Combs,	Taylor,	Williams—19.
Curle,		

Those who voted for Charles A. Wickliffe, were—

Messrs. Adams,	Hardin,	Shuck,
Davidson,	McHenry,	Skiles,
Graham,	Mitchell,	Wakefield—9.

Those who voted for William Owsley, were—

Messrs. Atkinson,	Ford,	Miller,
Bullock,	Gabbert,	Newell,
Colyer,	Loving,	Shanks,
Draffin,	Marshall, C. A.	Woodson—12.

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	South,
Cofer,	Johnson,	Stevens, J.
Fletcher,	Nance,	Thomasson,
Goble,	Perciful,	Thompson,
Gray,	Rowlett,	Towles,
Harrison,	Shaw,	Watkins,
Hart,	Smith, H. H.	Wortham—23.
Hays,	Snyder,	

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Howard,	Riffe,
Caldwell,	Kirtley,	Smith, B.
Craddock,	Lackey,	Sprigg,
Crenshaw,	Lair,	Stephens, N. B.
Haggard,	Marshall, W. N.	Stockton,
Harding,	Paris,	Watts—20.
Haydon,	Reeves,	

Those who voted for Thomas Metcalfe, were—

Messrs. Botts,	Innis,	Park,
Bruton,	Latimer,	Raymon,
Chenault,	Mason,	Rudd,
Cunningham,	Morgan,	Waring—13.
Forman,		

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	23
For Charles A. Wickliffe, - - - -	20
For William Owsley, - - - -	16
For John Calhoon, - - - -	30
For Richard A. Buckner, - - - -	27
For Thomas Metcalfe, - - - -	17

No one on nomination having received a majority of all the votes given, the House proceeded to a third vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Goodson,	Thomas,
Messrs. Brent,	Hawkins,	Triplett,
Bush,	Loving,	Trussell,
Chilton,	Marshall, W. C.	Vance,
Combs,	Speed,	White,
Curle,	Sprigg,	Williams—20.
Davidson,	Taylor,	

Those who voted for Charles A. Wickliffe, were—

Messrs. Adams,	McHenry,	Skiles,
Graham,	Mitchell,	Wakefield—8.
Hardin,	Shuck,	

Those who voted for William Owsley, were—

Messrs. Atkinson,	Gabbert,	Newell,
Bullock,	Marshall, C. A.	Shanks,
Colyer,	Mason,	Woodson—11.
Ford,	Miller,	

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	South,
Cofer,	Johnson,	Stevens, J.
Fletcher,	Nance,	Thomasson,
Goble,	Paris,	Thompson,
Gray,	Perciful,	Towles,
Harrison,	Shaw,	Watkins,
Hart,	Smith, H. H.	Wortham—23.
Hays,	Snyder,	

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Howard,	Riffe,
Caldwell,	Kirtley,	Rowlett,
Craddock,	Lackey,	Smith, B.
Crenshaw,	Lair,	Stephens, N. B.
Haggard,	Marshall, W. N.	Stockton,
Harding,	Reeves,	Watts—19.
Haydon,		

Those who voted for Thomas Metcalfe, were—

Messrs. Botts,	Draffin,	Morgan,
Bruton,	Forman,	Park,
Chenault,	Hazlerigg,	Raymon,
Clay,	Innes,	Rudd,
Cunningham,	Latimer,	Waring—15.

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead,	23
For Charles A. Wickliffe,	19
For William Owsley,	13
For John Calhoon,	31
For Richard A. Buckner,	25
For Thomas Metcalfe,	22

A message was received from the Senate, anuouncing the passage of a resolution to suspend voting for a Senator in Congress, after the fourth ballot, until to-morrow, 12 o'clock.

The said resolution was then taken up, twice read, and adopted.

No one on nomination having received a majority of all the votes given, the House proceeded to a fourth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,
Messrs. Brent,
Bruton,
Bush,
Chilton,
Colyer,
Combs,
Davidson,
Goodson,
Hawkins,
Hazlerigg,
Loving,
Marshall, W. C.
Paris,
Speed,
Taylor,
Thomas,
Triplett,
Trussell,
Vance,
White,
Williams—22.

Those who voted for Charles A. Wickliffe, were—

Messrs. Adams,
Graham,
Hardin,
Mitchell,
Shuck,
Skiles,
Sprigg,
Wakefield—8.

Those who voted for William Owsley, were—

Messrs. Atkinson,
Bullock,
Clay,
Ford,
Gabbert,
Marshall, C. A.
Mason,
Shanks,
Woodson—9.

Those who voted for John Calhoon, were—

Messrs. Brien,
Cofer,
Fletcher,
Goble,
Gray,
Harrison,
Hart,
Hays,
Imboden,
Johnson,
Lackey,
McHenry,
Nance,
Perciful,
Rudd,
Shaw,
Smith, H. H.
Snyder,
South,
Stevens, J.
Thomasson,
Thompson,
Towles,
Watkins,
Wortham—25.

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,
Caldwell,
Craddock,
Crenshaw,
Haggard,
Harding,
Haydon,
Howard,
Kirtley,
Lair,
Marshall, W. N.
Reeves,
Riffe,
Rowlett,
Smith, B.
Stephens, N. B.
Stockton,
Watts—18.

Those who voted for Thomas Metcalfe, were—

Messrs. Botts,	Forman,	Newell,
Chenault,	Innes,	Park,
Cunningham,	Latimer,	Raymon,
Curle,	Miller,	Waring—14.
Draffin,	Morgan,	

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	26
For Charles A. Wickliffe, - - - -	19
For William Owsley, - - - -	10
For John Calhoon, - - - -	35
For Richard A. Buckner, - - - -	25
For Thomas Metcalfe, - - - -	18

And then the House adjourned.

WEDNESDAY, FEBRUARY 17, 1841.

1. Mr. Wakefield presented the petition of sundry citizens of Spencer county, praying for an additional Constable to said county. Also, a remonstrance against the same.

2. Mr. Reeves presented the petition of the citizens of Allensville, praying that the Constable in said precinct may reside in two and a half miles of said town.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee on Propositions and Grievances; and the 2d to Messrs. Reeves, Skiles and Harrison.

The House then took up the bill for the appropriation of money.

Mr. Cofer moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Bush then moved that said bill have its third reading on this day; and it was decided in the affirmative.

The said bill was then read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to bills from the Senate of the following titles, viz:

An act to authorize the re-binding of record books in the Clerks' offices of Hardin county.

An act authorizing the closing of part of the Nashville and Lexington State road.

An act to suspend an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved 10th February, 1841.

That they had disagreed to a bill from this House, entitled, an act for the benefit of Charles E. Mills.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of the Police Judge of the town of Lancaster, and for other purposes.

An act to amend the several acts to suppress the practice of duelling.

An act for the benefit of Morrison W. Smith, and others.

An act to establish the eighteenth Judicial district, and for other purposes.

An act prescribing the mode of preserving the evidences of the payment of interest on certain State Bonds.

An act for the benefit of James P. Howard.

An act to divorce Ann E. McCoun, and for other purposes.

An act to divorce Mary Edrington.

An act to divorce Alice A. Price.

An act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1, 1836.

An act for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes.

An act to ascertain the criminal statistics of this Commonwealth.

An act further to provide for the appointment of Patrolls in this Commonwealth.

With amendments to the two last named bills.

And that they had passed bills of the following titles, viz:

An act to establish the Pond Creek and Green River Coal Company.

An act for the benefit of Justice Hays' devisees.

An act to incorporate the Clifton Academy, and for other purposes.

An act to amend and continue in force an act offering a reward for the discovery of the disease called Milk Sickness.

An act altering the terms of the Estill County Court.

An act to add Russell county to the eighth Judicial district.

An act for the benefit of Sereny Hall and Maria Gibbs.

A bill from the Senate, entitled, an act to amend the several acts providing for internal improvements in the State of Kentucky,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Craddock then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Davidson and Triplett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Draffin,	McHenry,
Messrs. Adams,	Forman,	Miller,
Brent,	Gabbert,	Morgan,
Brien,	Goble,	Newell,
Buckner,	Goodson,	Park,
Bullock,	Gray,	Raymon,
Bush,	Hardin,	Rudd,
Calhoon,	Harrison,	Skiles,
Chilton,	Hart,	Stephens, N. B.
Clay,	Hawkins,	Stockton,
Cofer,	Hays,	Thomas,
Colyer,	Innes,	Thompson,
Combs,	Kirtley,	Trussell,
Craddock,	Latimer,	Wakefield,
Crenshaw,	Loving,	Waring,
Cunningham,	Marshall, C. A.	Watkins,
Curd,	Marshall, W. C.	White,
Curle,	Mason,	Woodson—54.

Those who voted in the negative were—

Messrs. Atkinson,	Lackey,	Smith, H. H.
Bruton,	Lair,	Snyder,
Caldwell,	Marshall, W. N.	South,
Chenault,	Mitchell,	Speed,
Davidson,	Nance,	Sprigg,
Fletcher,	Paris,	Stevens, J.
Ford,	Perciful,	Taylor,
Graham,	Reeves,	Thomasson,
Haggard,	Riffe,	Towles,
Harding,	Rowlett,	Triplett,
Haydon,	Shanks,	Vance,
Hazlerigg,	Shaw,	Watts,
Howard,	Shuck,	Williams,
Imboden,	Smith, B.	Wortham—43.
Johnson,		

The main question was then put: Shall the bill be read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shuck and Skiles, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Curle,	McHenry,
Messrs. Adams,	Davidson,	Miller,
Atkinson,	Draffin,	Morgan,
Botts,	Forman,	Newell,
Brent,	Gabbert,	Park,
Bruton,	Goodson,	Raymon,
Buckner,	Hardin,	Reeves,
Bullock,	Harrison,	Rudd,
Bush,	Hart,	Skiles,
Calhoon,	Hawkins,	Speed,
Chenault,	Hays,	Stockton,
Chilton,	Hazlerigg,	Thomas,
Clay,	Innes,	Thompson,
Cofer,	Johnson,	Trussell,
Colyer,	Kirtley,	Vance,
Combs,	Latimer,	Waring,
Craddock,	Loving,	Watkins,
Crenshaw,	Marshall, C. A.	White,
Cunningham,	Marshall, W. C.	Williams,
Curd,	Mason,	Woodson—60.

Those who voted in the negative were—

Messrs. Brien,	Lair,	Smith, H. H.
Caldwell,	Marshall, W. N.	Snyder,
Fletcher,	Mitchell,	South,
Ford,	Nance,	Stephens, N. B.
Goble,	Paris,	Stevens, J.
Graham,	Perciful,	Taylor,
Gray,	Riffe,	Thomasson,
Haggard,	Rowlett,	Towles,
Harding,	Shanks,	Triplett,
Haydon,	Shaw,	Wakefield,
Howard,	Shuck,	Watts,
Imboden,	Smith, B.	Wortham—37.
Lackey,		

Mr. Bullock then moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative—it requiring four fifths.

The yeas and nays being required thereon, by Messrs. Caldwell and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gabbert,	Reeves,
Messrs. Adams,	Goodson,	Riffe,
Atkinson,	Gray,	Rowlett,
Botts,	Hardin,	Rudd,
Brent,	Harrison,	Skiles,
Brien,	Hart,	Smith, H. H.
Bruton,	Hawkins,	South,
Buckner,	Hays,	Sprigg,
Bullock,	Hazlerigg,	Stephens, N. B.
Bush,	Imboden,	Stevens, J.
Calhoon,	Innes,	Stockton,
Chenault,	Johnson,	Thomas,
Chilton,	Kirtley,	Thompson,
Clay,	Lair,	Towles,
Cofer,	Latimer,	Triplett,
Colyer,	Loving,	Trussell,
Combs,	Marshall, C. A.	Vance,
Craddock,	Marshall, W. C.	Wakefield,
Crenshaw,	Mason,	Waring,
Cunningham,	McHenry,	Watkins,
Curd,	Miller,	Watts,
Curle,	Morgan,	White,
Draffin,	Newell,	Williams,
Ford,	Park,	Woodson,
Forman,	Raymon,	Wortham—75.

Those who voted in the negative were—

Messrs. Caldwell,	Howard,	Shaw,
Davidson,	Lackey,	Shuck,
Fletcher,	Marshall, W. N.	Smith, B.
Goble,	Mitchell,	Snyder,
Graham,	Nance,	Speed,
Haggard,	Paris,	Taylor,
Harding,	Perciful,	Thomasson—23.
Haydon,	Shanks,	

Mr. Draffin moved that said bill have its third reading on to-morrow, at 10 o'clock, A. M.

And the question being taken thereon, it was decided in the affirmative.

Mr. Vance moved a re-consideration of the vote ordering said bill to be read a third time on to-morrow, at 10 o'clock, A. M.

And the question being taken thereon, it was decided in the affirmative.

Mr. Goble then moved a re-consideration of the vote refusing to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the affirmative.

Mr. Forman then moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Caldwell and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Gray,	Raymon,
Messrs. Adams,	Hardin,	Reeves,
Atkinson,	Harrison,	Riffe,
Brent,	Hart,	Rowlett,
Brien,	Hawkins,	Rudd,
Bruton,	Hays,	Shaw,
Buckner,	Hazlerigg,	Skiles,
Bullock,	Howard,	Smith, H. H.
Bush,	Innes,	Speed,
Calhoon,	Johnson,	Stephens, N. B.
Chilton,	Kirtley,	Stevens, J.
Clay,	Lair,	Stockton,
Cofer,	Latimer,	Thomas,
Colyer,	Loving,	Thompson,
Combs,	Marshall, C. A.	Towles,
Craddock,	Marshall, W. C.	Triplett,
Crenshaw,	Mason,	Trussell,
Cunningham,	McHenry,	Vance,
Curd,	Miller,	Wakefield,
Curle,	Mitchell,	Waring,
Davidson,	Morgan,	Watkins,
Draffin,	Nance,	Watts,
Ford,	Newell,	White,
Forman,	Paris,	Williams,
Gabbert,	Park,	Woodson,
Goble,	Perciful,	Wortham—79.
Goodson,		

Those who voted in the negative were—

Messrs. Caldwell,	Haydon,	Shuck,
Chenault,	Imboden,	Smith, B.
Fletcher,	Lackey,	South,
Graham,	Marshall, W. N.	Sprigg,
Haggard,	Shanks,	Taylor—15.

Mr. Davidson then moved to amend said bill, by adding thereto the following engrossed clause, by way of ryder, viz:

Be it further enacted, That the sum of forty thousand dollars, heretofore appropriated, to build a lock and dam on Muddy river, shall be expended during the year 1841, by the Board of Internal Improvements, or Superintendent of Public Work, in erecting said lock and dam.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Davidson and Rudd, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Davidson, Haggard, Snyder—3.

Those who voted in the negative were—

Mr. Speaker,	Harding,	Reeves,
Messrs. Adams,	Hardin,	Riffe,
Atkinson,	Harrison,	Rowlett,
Botts,	Hart,	Shanks,
Brent,	Hawkins,	Shaw,
Brien,	Haydon,	Shuck,
Bruton,	Hays,	Skiles,
Buckner,	Hazlerigg,	Smith, B.
Bullock,	Howard,	Smith, H. H.
Bush,	Imboden,	South,
Caldwell,	Innes,	Speed,
Calhoon,	Johnson,	Sprigg,
Chenault,	Kirtley,	Stephens, N. B.
Chilton,	Lackey,	Stevens, J.
Clay,	Lair,	Stockton,
Cofer,	Latimer,	Taylor,
Colyer,	Loving,	Thomas,
Combs,	Marshall, C. A.	Thomasson
Craddock,	Marshall, W. C.	Thompson,
Crenshaw,	Marshall, W. N.	Triplett,
Cunningham,	Mason,	Trussell,
Curd,	McHenry,	Vance,
Curle,	Miller,	Wakefield,
Fletcher,	Mitchell,	Waring,
Ford,	Morgan,	Watkins,
Forman,	Nance,	Watts,
Gabbert,	Newell,	White,
Goble,	Paris,	Williams,
Goodson,	Park,	Woodson,
Graham,	Perciful,	Wortham—92.
Gray,	Raymon,	

Mr. Fletcher then moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

That hereafter, the Chief Engineer of this State shall receive the sum of two thousand dollars per annum, for his salary; that the Board of Internal Improvements shall dismiss from the services of the State all Engineers now in the exclusive employ of the State, except the Chief Engineer and one Assistant Engineer. The salary of the Assistant Engineer shall be twelve hundred dollars per annum.

Mr. Hays then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Fletcher and Towles, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Ford,	Newell,
Messrs. Adams,	Forman,	Paris,
Atkinson,	Gabbert,	Park,
Botts,	Goble,	Raymon,
Brent,	Goodson,	Reeves,
Brien,	Gray,	Rudd,
Buckner,	Hardin,	Skiles,
Bullock,	Harrison,	Speed,
Bush,	Hart,	Stephens, N. B.
Calhoon,	Hawkins,	Stevens, J.
Chenault,	Hays,	Stockton,
Chilton,	Innes,	Thomas,
Clay,	Kirtley,	Thompson,
Cofer,	Lackey,	Trussell,
Colyer,	Latimer,	Vance,
Combs,	Loving,	Waring,
Craddock,	Marshall, C. A.	Watkins,
Crenshaw,	Marshall, W. C.	Watts,
Cunningham,	Mason,	White,
Curd,	McHenry,	Williams,
Curle,	Miller,	Woodson,
Draffin,	Morgan,	Wortham—66.

Those who voted in the negative were—

Messrs. Bruton,	Johnson,	Smith, B.
Caldwell,	Lair,	Smith, H. H.
Davidson,	Marshall, W. N.	Snyder,
Fletcher,	Mitchell,	South,
Graham,	Nance,	Sprigg,
Haggard,	Riffe,	Taylor,
Harding,	Rowlett,	Thomasson,
Haydon,	Shanks,	Towles,
Hazlerigg,	Shaw,	Triplett,
Howard,	Shuck,	Wakefield—31.
Imboden,		

The main question was then put: Shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Paris and Fletcher, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Curle,	Miller,
Messrs. Adams,	Draffin,	Morgan,
Atkinson,	Forman,	Newell,
Botts,	Gabbert,	Park,
Brent,	Goodson,	Raymon,
Buckner,	Hardin,	Reeves,
Bullock,	Harrison,	Rudd,
Bush,	Hart,	Shanks,
Calhoon,	Hawkins,	Skiles,
Chenault,	Hays,	Speed,
Chilton,	Innes,	Stockton,
Clay,	Johnson,	Thomas,
Cofer,	Kirtley,	Thompson,
Colyer,	Latimer,	Trussell,
Combs,	Loving,	Vance,
Craddock,	Marshall, C. A.	Watkins,
Crenshaw,	Marshall, W. C.	White,
Cunningham,	Mason,	Woodson—55.
Curd,	McHenry,	

Those who voted in the negative were—

Messrs. Brien,	Imboden,	Snyder,
Bruton,	Lackey,	South,
Caldwell,	Lair,	Sprigg,
Davidson,	Marshall, W. N.	Stephens, N. B.
Fletcher,	Mitchell,	Stevens, J.
Ford,	Nance,	Taylor,
Goble,	Paris,	Thomasson,
Graham,	Perciful,	Towles,
Gray,	Riffe,	Triplett,
Haggard,	Rowlett,	Wakefield,
Harding,	Shaw,	Waring,
Haydon,	Shuck,	Watts,
Hazlerigg,	Smith, B.	Williams,
Howard,	Smith, H. H.	Wortham—42.

Resolved, That the title thereof be as aforesaid.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to amend the penal laws.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county, and the Sheriff of Shelby county.

An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

An act to amend the several laws to suppress the practice of duelling.

An act for the benefit of the Police Judge of the town of Lancaster, and for other purposes.

An act for the benefit of the Clerk of the Oldham and Cumberland County Court.

An act to establish the 18th Judicial district, and for other purposes.

An act to increase the resources of the Sinking Fund, and for other purposes.

An act to amend an act, entitled, an act to amend and reduce into one the several act regulating the town of Henderson, approved January 21st, 1840.

And bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the Common School Commissioners for the county of Jessamine.

An act to authorize the re-binding of certain record books in the Clerks' offices of the County Courts of Hardin, Barren, Garrard, Hart and Adair counties.

An act to authorize the County Court of Kenton to lay an additional levy, and for other purposes.

An act to incorporate the Winchester Lyceum.

An act to authorize the closing of a part of the Nashville and Lexington State road.

An act to repeal an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved 10th February, 1841.

An act for the benefit of the infant children of Matilda Perry, dec'd.

An act to amend an act to provide for the distribution and preservation of the public books, approved December 31, 1825.

An act to incorporate the Louisville Iron Manufacturing Company, under the General Law.

An act to incorporate the Louisville Cotton Manufacturing Company, under the General Law.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Thompson—A bill to incorporate the Harrodsburg Lyceum.

Ay the committee on Internal Improvement—A bill to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed bills of the following titles, viz:

An act for the benefit of Betsey D. Tiley.

An act to authorize John M. Weddle to lay out a town on his lands in the county of Pulaski.

Bills from the Senate, of the following titles, viz:

1. An act altering the terms of the Estill County Courts.
2. An act to add Russell county to the 8th Judicial district.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the first was ordered to be read a third time, and the second was referred to Messrs. A. Harding, Caldwell, Lair, Crenshaw, Haggard and Haydon.

The rule of the House, constitutional provision and third reading of the 1st bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to incorporate the Nelson County Mutual Insurance Company.

An act for the benefit of the Police Judge of the town of Lancaster, and for other purposes.

An act to amend the several acts to suppress the practice of duelling.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county, and the Sheriff of Shelby county.

An act to amend the penal laws.

An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

An act to increase the resources of the Sinking Fund, and for other purposes. Approved February 17, 1841.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the relief of emigrants, and others—were taken up, twice read, and concurred in.

Ordered, That Mr. McHenry inform the Senate that this House is now ready to proceed to the election of a Senator in the Congress of the United States.

A message was received from the Senate, announcing that they were also ready to proceed in said election.

No one on nomination having received a majority of all the votes given, on yesterday, the House proceeded to take a fifth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Goodson,	Taylor,
Messrs. Bush,	Hawkins,	Thomas,
Chilton,	Hazlerigg,	Triplett,
Colyer,	Latimer,	Trussell,
Combs,	Loving,	Vance,
Curle,	Marshall, W. C.	White,
Davidson,	Paris,	Williams—21.

Those who voted for Charles A. Wickliffe, were—

Messrs. Adams,	McHenry,	Skiles,
Graham,	Mitchell,	Wakefield—8.
Hardin,	Shuck,	

Those who voted for William Owsley, were—

Messrs. Atkinson,	Ford,	Miller,
Brent,	Gabbert,	Morgan,
Bullock,	Lackey,	Newell,
Clay,	Marshall, C. A.	Shanks,
Curd,	Mason,	Woodson—16.
Draffin,		

Those who voted for John Calhoon, were—

Messrs. Brien,	Hays,	Snyder,
Cofer,	Imboden,	Stevens, J.
Fletcher,	Johnson,	Thomasson,
Goble,	Perciful,	Thompson,
Gray,	Rudd,	Towles,
Harrison,	Shaw,	Watkins,
Hart,	Smith, H. H.	Wortham—21.

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Howard,	Rowlett,
Caldwell,	Kirtley,	Smith, B.
Craddock,	Lair,	Sprigg,
Crenshaw,	Marshall, W. N.	Stephens, N. B.
Haggard,	Nance,	Stockton,
Harding,	Reeves,	Watts—20.
Haydon,	Riffe,	

Those who voted for Thomas Metcalfe, were—

Messrs. Botts,	Cunningham,	Park,
Bruton,	Forman,	Raymon,
Chenault,	Innis,	Waring—9.

Messrs. Reeves, Thompson and Forman were appointed a committee on the part of this House, to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time, Mr. Reeves reported that the joint vote stood thus:

For James T. Morehead,	26
For Charles A. Wickliffe,	20
For William Owsley,	20
For John Calhoon,	28
For Richard A. Buckner,	26
For Thomas Metcalfe,	18

Mr. Bullock then withdrew the nomination of Mr. Wm. Owsley.

Ordered, That Mr. Bullock inform the Senate thereof.

No one on nomination having received a majority of all the votes given, the House proceeded to take a sixth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Colyer,	Loving,
Messrs. Atkinson,	Combs,	Taylor,
Brent,	Curle,	Thomas,
Bruton,	Davidson,	Triplett,
Bullock,	Goodson,	Trussell,
Bush,	Hawkins,	Vance,
Chilton,	Hazlerigg,	White,
Clay,	Latimer,	Williams—24.

Those who voted for Charles A. Wickliffe, were—

Messrs. Adams,	McHenry,	South—5.
Hardin,	Skiles,	

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Snyder,
Cofer,	Johnson,	Stevens, J.
Fletcher,	Mitchell,	Thomasson,
Goble,	Nance,	Thompson,
Graham,	Perciful,	Towles,
Gray,	Rudd,	Wakefield,
Harrison,	Shaw,	Watkins,
Hart,	Smith, H. H.	Wortham—25.
Hays,		

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Howard,	Rowlett,
Caldwell,	Kirtley,	Shanks,
Craddock,	Lackey,	Shuck,
Crenshaw,	Lair,	Smith, B.
Ford,	Marshall, W. N.	Sprigg,
Gabbert,	Miller,	Stephens, N. B.
Haggard,	Paris,	Stockton,
Harding,	Reeves,	Watts—25.
Haydon,	Riffe,	

Those who voted for Thomas Metcalfe, were—

Messrs. Botts,	Innes,	Newell,
Chenault,	Marshall, C. A.	Park,
Cunningham,	Marshall, W. C.	Raymon,
Curd,	Mason,	Waring,
Draffin,	Morgan,	Woodson—16.
Forman,		

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves reported that the joint vote stood thus:

For James T. Morehead, - - - -	28
For Charles A. Wickliffe, - - - -	14
For John Calhoon, - - - -	33
For Richard A. Buckner, - - - -	36
For Thomas Metcalfe, - - - -	22

Mr. Skiles then withdrew the nomination of Mr. Charles A. Wickliffe.

Ordered, That Mr. Skiles inform the Senate thereof.

No one on nomination having received a majority of all the votes given, the House proceeded to take a seventh vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Sprigg,
Messrs. Adams,	Goodson,	Taylor,
Atkinson,	Hawkins,	Thomas,
Brent,	Hazlerigg,	Triplett,
Bush,	Latimer,	Trussell,
Chilton,	Loving,	Vance,
Colyer,	Marshall, C. A.	White,
Combs,	Paris,	Williams—25.
Curle,		

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	South,
Cofer,	Johnson,	Stephens, N. B.
Fletcher,	McHenry,	Stevens, J.
Goble,	Mitchell,	Thomasson,
Graham,	Perciful,	Thompson,
Gray,	Rudd,	Towles,
Hardin,	Shaw,	Wakefield,
Harrison,	Smith, H. H.	Watkins,
Hart,	Snyder,	Wortham—28.
Hays,		

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Howard,	Reeves,
Caldwell,	Kirtley,	Riffe,
Craddock,	Lackey,	Rowlett,
Crenshaw,	Lair,	Shanks,
Ford,	Marshall, W. N.	Shuck,
Gabbert,	Miller,	Smith, B.
Haggard,	Nance,	Stockton,
Harding,	Newell,	Watts—25.
Haydon,		

Those who voted for Thomas Metcalfe, were—

Messrs. Botts,	Curd,	Morgan,
Bruton,	Draffin,	Park,
Bullock,	Forman,	Raymon,
Chenault,	Innes,	Skiles,
Clay,	Marshall, W. C.	Waring,
Cunningham,	Mason,	Woodson—18.

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves reported that the joint vote stood thus :

For James T. Morehead, - - - - -	34
For John Calhoon, - - - - -	40
For Richard A. Buckner, - - - - -	35
For Thomas Metcalfe, - - - - -	24

A message was received from the Senate, by Mr. J. S. Morgan, announcing that the nomination of Mr. Thomas Metcalfe had been withdrawn in the Senate.

Whereupon Mr. Forman withdrew the nomination of Mr. Metcalfe in this House.

No one on nomination having received a majority of all the votes given, the House proceeded to take the eighth vote between those remaining on nomination, which stood thus :

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Rudd,
Messrs. Adams,	Draffin,	Skiles,
Atkinson,	Forman,	Speed,
Botts,	Goodson,	Sprigg,
Brent,	Hawkins,	Taylor,
Bruton,	Hazlerigg,	Thomas,
Bullock,	Innes,	Triplett,
Bush,	Latimer,	Trussell,
Chilton,	Loving,	Vance,

Clay,	Marshall, C. A.	Waring,
Colyer,	Marshall, W. C.	White,
Combs,	Miller,	Williams,
Cunningham,	Morgan,	Woodson—41.
Curle,	Raymon,	

Those who voted for John Calhoon, were—

Messrs. Brien,	Hart,	Smith, H. H.
Chenault,	Hays,	Snyder,
Cofer,	Imboden,	South,
Curd,	Johnson,	Stevens, J.
Fletcher,	McHenry,	Thomasson,
Goble,	Mitchell,	Thompson,
Graham,	Nance,	Towles,
Gray,	Park,	Wakefield,
Hardin,	Perciful,	Watkins,
Harrison,	Shaw,	Wortham—30.

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Howard,	Riffe,
Caldwell,	Kirtley,	Rowlett,
Craddock,	Lackey,	Shanks,
Crenshaw,	Lair,	Shuck,
Ford,	Marshall, W. N.	Smith, B.
Gabbert,	Mason,	Stephens, N. B.
Haggard,	Newell,	Stockton,
Harding,	Paris,	Watts—26.
Haydon,	Reeves,	

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves reported that the joint vote stood thus:

For James T. Morehead, - - - - -	54
For John Calhoon, - - - - -	43
For Richard A. Buckner, - - - - -	37

No one on nomination having received a majority of all the votes given, the House proceeded to take the ninth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Raymon,
Messrs. Adams,	Draffin,	Skiles,
Atkinson,	Forman,	Speed,
Botts,	Goodson,	Sprigg,
Brent,	Hawkins	Taylor,
Bruton,	Hazlerigg,	Thomas,
Bullock,	Innes,	Triplett,
Bush,	Latimer,	Trussell,

Chenault,	Loving,	Vance,
Chilton,	Marshall, C. A.	Waring,
Clay,	Marshall, W. C.	White,
Colyer,	Morgan,	Williams,
Combs,	Paris,	Woodson—40.
Curle,		

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Snyder,
Cofer,	Johnson,	South,
Curd,	Lackey,	Stephens, N. B.
Fletcher,	McHenry,	Stevens, J.
Goble,	Mitchell,	Thomasson,
Graham,	Nance,	Thompson,
Gray,	Park,	Towles,
Hardin,	Perciful,	Wakefield,
Harrison,	Rudd,	Watkins,
Hart,	Shaw,	Watts,
Hays,	Smith, H. H.	Wortham—33.

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Harding,	Newell,
Caldwell,	Haydon,	Reeves,
Craddock,	Howard,	Riffe,
Crenshaw,	Kirtley,	Rowlett,
Cunningham,	Lair,	Shanks,
Ford,	Marshall, W. N.	Shuck,
Gabbert,	Mason,	Smith, B.
Haggard,	Miller,	Stockton—24.

The same committee were appointed to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

In a short time, Mr. Reeves reported that the joint vote stood thus:

For James T. Morehead, - - - -	53
For John Calhoon, - - - -	46
For Richard A. Buckner, - . - -	35

No one on nomination having received a majority of all the votes given, the House proceeded to take the tenth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Draffin,	Raymon,
Messrs. Adams,	Forman,	Skiles,
Atkinson,	Goodson,	Speed,
Botts,	Hawkins,	Sprigg,
Brent,	Hazlerigg,	Taylor,
Bruton,	Innes,	Thomas,
Bullock,	Latimer,	Triplett,

Bush,	Loving,	Trussell,
Chilton,	Marshall, C. A.	Vance,
Clay,	Marshall, W. C.	Waring,
Colyer,	Miller,	White,
Combs,	Morgan,	Williams,
Curle,	Park,	Woodson—40.
Davidson,		

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	South,
Cofer,	Johnson,	Stephens, N. B.
Curd,	Lackey,	Stevens, J.
Fletcher,	McHenry,	Thomasson
Goble,	Mitchell,	Thompson,
Graham,	Nance,	Towles,
Gray,	Rudd,	Wakefield,
Harrison,	Shaw,	Watkins,
Hart,	Smith, H. H.	Wortham—28.
Hays,		

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Hardin,	Reeves,
Caldwell,	Haydon,	Riffe,
Chenault,	Howard,	Rowlett,
Craddock,	Kirtley,	Shanks,
Crenshaw,	Lair,	Shuck,
Cunningham,	Marshall, W. N.	Smith, B.
Ford,	Mason,	Snyder,
Gabbert,	Newell,	Stockton,
Haggard,	Paris,	Watts—28.
Harding,		

The same committee were appointed to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	56
For John Calhoon, - - - -	40
For Richard A. Buckner, - - - -	37

No one on nomination having received a majority of all the votes given, the House proceeded to take the eleventh vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Raymon,
Messrs. Adams,	Forman,	Skiles,
Atkinson,	Goodson,	Speed,
Botts,	Hawkins,	Sprigg,
Brent,	Hazlerigg,	Taylor,

Bruton,	Innes,	Thomas,
Bullock,	Latimer,	Triplett,
Bush,	Loving,	Trussell,
Chilton,	Marshall, C. A.	Vance,
Clay,	Marshall, W. C.	Waring,
Colyer,	Morgan,	White,
Combs,	Paris,	Williams,
Curle,	Park,	Woodson—39.

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Snyder,
Chenault,	Johnson,	South,
Cofer,	Lackey,	Stephens, N. B.
Curd,	McHenry,	Stevens, J.
Fletcher,	Mitchell,	Thomasson,
Goble,	Nance,	Thompson,
Graham,	Perciful,	Towles,
Gray,	Rudd,	Wakefield,
Harrison,	Shaw,	Watkins,
Hart,	Smith, H. H.	Wortham—31.
Hays,		

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Harding,	Newell,
Caldwell,	Hardin,	Reeves,
Craddock,	Haydon,	Riffe,
Crenshaw,	Howard,	Rowlett,
Cunningham,	Kirtley,	Shanks,
Draffin,	Lair,	Shuck,
Ford,	Marshall, W. N.	Smith, B.
Gabbert,	Mason,	Stockton,
Haggard,	Miller,	Watts—27.

The same committee were appointed to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	54
For John Calhoon, - - - -	44
For Richard A. Buckner, - - - -	36

No one on nomination having received a majority of all the votes given, the House proceeded to take a twelfth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Raymon,
Messrs. Adams,	Forman,	Skiles,
Atkinson,	Gabbert,	Speed,
Botts,	Goodson,	Sprigg,

Brent,	Hawkins,	Taylor,
Bruton,	Hazlerigg,	Thomas,
Bullock,	Innis,	Triplett,
Bush,	Latimer,	Trussell,
Chenault,	Loving,	Vance,
Chilton,	Marshall, C. A.	Waring,
Clay,	Miller,	White,
Colyer,	Morgan,	Williams,
Combs,	Park,	Woodson—40.
Curle,		

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Smith, H. H.
Cofer,	Johnson,	Snyder,
Curd,	Lackey,	South,
Fletcher,	Marshall, W. C.	Stephens, N. B.
Goble,	McHenry,	Stevens, J.
Graham,	Mitchell,	Thomasson,
Gray,	Nance,	Thompson,
Hardin,	Newell,	Towles,
Harrison,	Perciful,	Wakefield,
Hart,	Rudd,	Watkins,
Hays,	Shaw,	Wortham—33.

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Harding,	Reeves,
Caldwell,	Haydon,	Riffe,
Craddock,	Howard,	Rowlett,
Crenshaw,	Kirtley,	Shanks,
Cunningham,	Lair,	Shuck,
Draffin,	Marshall, W. N.	Smith, B.
Ford,	Mason,	Stockton,
Haggard,	Paris,	Watts—24.

The same committee were appointed to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - - -	55
For John Calhoon, - - - - -	47
For Richard A. Buckner, - - - - -	32

No one on nomination having received a majority of all the votes given, the House proceeded to take a thirteenth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Raymon,
Messrs. Adams,	Draffin,	Skiles,
Botts,	Forman,	Speed,
Brent,	Goodson,	Taylor,
Bruton,	Hawkins,	Thomas,

Bullock,	Hazlerigg,	Triplett,
Bush,	Latimer,	Trussell,
Chilton,	Loving,	Vance,
Clay,	Marshall, C. A.	Waring,
Colyer,	Miller,	White,
Combs,	Morgan,	Williams,
Curle,	Park,	Woodson—36.

Those who voted for John Calhoon, were—

Messrs. Brien,	Hays,	Shaw,
Chenault,	Imboden,	Smith, H. H.
Cofer,	Innes,	Snyder,
Curd,	Johnson,	Stevens, J.
Fletcher,	Lackey,	Thomasson,
Goble,	Marshall, W. C.	Thompson,
Graham,	McHenry,	Towles,
Gray,	Mitchell,	Wakefield,
Hardin,	Nance,	Watkins,
Harrison,	Perciful,	Wortham—32.
Hart,	Rudd,	

Those who voted for Richard A. Buckner, were—

Messrs. Atkinson,	Haydon,	Rowlett,
Buckner,	Howard,	Shanks,
Caldwell,	Kirtley,	Shuck,
Craddock,	Lair,	Smith, B.
Crenshaw,	Marshall, W. N.	South,
Cunningham,	Mason,	Sprigg,
Ford,	Newell,	Stephens, N. B.
Gabbert,	Paris,	Stockton,
Haggard,	Reeves,	Watts—29.
Harding,	Riffe,	

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - - -	50
For John Calhoon, - - - - -	46
For Richard A. Buckner, - - - - -	38

No one on nomination having received a majority of all the votes given, the House proceeded to take the fourteenth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Curle,	Skiles,
Messrs. Adams,	Davidson,	Speed,
Botts,	Forman,	Taylor,
Brent,	Gabbert,	Thomas,

Bruton,	Goodson,	Trussell,
Bullock,	Hazlerigg,	Vance,
Bush,	Latimer,	Waring,
Chilton,	Loving,	White,
Clay,	Marshall, C. A.	Williams,
Colyer,	Morgan,	Woodson—32.
Combs,	Park,	

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Snyder,
Chenault,	Johnson,	South,
Cofer,	Lackey,	Stephens, N. B.
Curd,	Marshall, W. C.	Stevens, J.
Fletcher,	McHenry,	Thomasson,
Goble,	Mitchell,	Thompson,
Graham,	Nance,	Towles,
Gray,	Perciful,	Triplett,
Hardin,	Rudd,	Wakefield,
Harrison,	Shaw,	Watkins,
Hart,	Smith, H. H.	Wortham—34.
Hays,		

Those who voted for Richard A. Buckner, were—

Messrs. Atkinson,	Haydon,	Raymon,
Buckner,	Howard,	Reeves,
Caldwell,	Innes,	Riffe,
Craddock,	Kirtley,	Rowlett,
Crenshaw,	Lair,	Shanks,
Cunningham,	Marshall, W. N.	Shuck,
Draffin,	Mason,	Smith, B.
Ford,	Miller,	Sprigg,
Haggard,	Newell,	Stockton,
Harding,	Paris,	Watts—31.
Hawkins,		

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus :

For James T. Morehead, - - - -	45
For John Calhoon, - - - -	48
For Richard A. Buckner, - - - -	41

A message was received from the Senate, by Mr. Pratt, announcing that the Senate had adopted a resolution that they would, after two more ballots, suspend further ballotting for a Senator in the Congress of the United States until to-morrow, 10 o'clock, A. M.

Resolved, That this House concur in said resolution.

Ordered, That Mr. Draffin inform the Senate thereof.

Mr. Clay then nominated Mr. Richard H. Menifee.

Ordered, That Mr. Clay inform the Senate thereof.

Mr. Shanks nominated Mr. Christopher Tompkins.

Ordered, That Mr. Shanks inform the Senate thereof.

Mr. Johnson then read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That after three more ballots taken, if no person shall have received a majority, the election of a Senator in Congress shall be postponed until the meeting of the next General Assembly.

Mr. Johnson moved to dispense with the rule requiring joint resolutions to lie one day on the table.

And the question being taken thereon it was decided in the negative.

After interchanging nominations, and no one having received a majority of all the votes given, the House proceeded to take the fifteenth vote, which stood thus:

Those who voted for James T. Morehead, were—

Messrs.	Bullock,	Gabbert,	Park,
	Bush,	Goodson,	Speed,
	Chilton,	Innes,	Taylor,
	Colyer,	Loving,	Trussell,
	Combs,	Marshall, W. C.	Vance—17.
	Davidson,	Paris,	

Those who voted for John Calhoon, were—

Messrs.	Brien,	Johnson,	Stephens, N. B.
	Cofer,	Lackey,	Stevens, J.
	Fletcher,	McHenry,	Thomas,
	Graham,	Mitchell,	Thomasson,
	Gray,	Nance,	Thompson,
	Hardin,	Perciful,	Towles,
	Harrison,	Rudd,	Wakefield,
	Hart,	Shaw,	Watkins,
	Hays,	Smith, H. H.	White,
	Imboden,	South,	Wortham—30.

Those who voted for Richard A. Buckner, were—

Messrs.	Atkinson,	Harding,	Reeves,
	Buckner,	Haydon,	Riffe,
	Caldwell,	Howard,	Rowlett,
	Craddock,	Kirtley,	Shuck,
	Crenshaw,	Lair,	Smith, B.
	Cunningham,	Marshall, W. N.	Sprigg,
	Draffin,	Mason,	Stockton,
	Goble,	Miller,	Watts—25.
	Haggard,		

Those who voted for Richard H. Menifee, were—

Mr. Speaker,	Curle,	Morgan,
Messrs. Adams,	Ford,	Newell,
Botts,	Forman,	Raymon,
Brent,	Hawkins,	Snyder,
Bruton,	Hazlerigg,	Waring,
Chenault,	Latimer,	Williams,
Clay,	Marshall, C. A.	Woodson—22.
Curd,		

Those who voted for Christopher Tompkins, were—

Messrs. Shanks,	Skiles,	Triplett—3.

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	31
For John Calhoon, - - - -	42
For Richard A. Buckner, - - - -	34
For Richard H. Menifee, - - - -	23
For Christopher Tompkins, - - - -	3

Mr. Shanks then withdrew the nomination of Mr. Christopher Tompkins.

Ordered, That Mr. Shanks inform the Senate thereof.

No one on nomination having received a majority of all the votes given, the House proceeded to take the sixteenth vote between those remaining on nomination, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Gabbert,	Paris,
Messrs. Brent,	Goodson,	Park,
Bush,	Hawkins	Speed,
Chilton,	Latimer,	Taylor,
Colyer,	Loving,	Vance,
Combs,	Marshall, C. A.	White,
Davidson,	Marshall, W. C.	Williams—23.
Forman,	Newell,	

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Stevens, J.
Cofer,	Johnson,	Thomas,
Draffin,	Lackey,	Thomasson,
Fletcher,	McHenry,	Thompson,
Graham,	Mitchell,	Towles,
Gray,	Nance,	Wakefield,
Hardin,	Perciful,	Watkins,
Hart,	Rudd,	Wortham—26.
Hays,	Shaw,	

Those who voted for Richard A. Buckner, were—

Messrs. Atkinson,	Haydon,	Shanks,
Buckner,	Howard,	Shuck,
Caldwell,	Kirtley,	Smith, B.
Craddock,	Lair,	Snyder,
Crenshaw,	Marshall, W. N.	Sprigg,
Cunningham,	Mason,	Stephens, N. B.
Goble,	Miller,	Stockton,
Haggard,	Reeves,	Triplett,
Harding,	Riffe,	Watts—29.
Harrison,	Rowlett,	

Those who voted for Richard H. Menifee, were—

Messrs. Adams,	Curle,	Raymon,
Bruton,	Ford,	Skiles,
Bullock,	Hazlerigg,	Smith, H. H.
Chenault,	Innes,	Waring,
Clay,	Morgan,	Woodson—16.
Curd,		

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - - -	35
For John Calhoon, - - - - -	39
For Richard A. Buckner, - - - - -	36
For Richard H. Menifee, - - - - -	21

And then the House adjourned.

THURSDAY, FEBRUARY 18, 1841.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of J. Franklin Dulaney.

An act for the benefit of Justice Hays' devisees.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of the Clerk of the Pendleton Circuit and County Courts.

An act to incorporate the Harrodsburg Lyceum.

An act for the benefit of the Sheriff of Meade county.

An act for the benefit of the Sheriff of Rockcastle county.

An act for the benefit of James Newton.

An act for the benefit of the Sheriffs of Laurel and Livingston counties.

An act for the divorce of Benjamin Bennett.

An act for the benefit of James Jenkins.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county, and for other purposes.

An act for the benefit of the Sheriff of Casey county.

An act to divorce Thomas M. Pulliam.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to incorporate the Louisville Cotton Manufacturing Company, under the General Law.

An act to incorporate the Louisville Iron Manufacturing Company, under the General Law.

An act to authorize the closing of a part of the Nashville and Lexington State road.

An act to repeal an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved 10th February, 1841.

An act to authorize the re-binding of certain record books in the Clerks' offices of the County Courts of Hardin, Barren, Garrard, Hart and Adair counties.

An act for the benefit of the Common School Commissioners for the county of Jessamine.

An act to incorporate the Winchester Lyceum.

An act to authorize the County Court of Kenton to lay an additional levy, and for other purposes.

An act to amend an act to provide for the distribution and preservation of the public books, approved December 21, 1825.

An act for the benefit of the infant children of Matilda Perry, dec'd.

Approved February 17, 1841.

Bills from the Senate, of the following titles, viz:

An act to authorize John M. Weddle to lay out a town on his land, in the county of Pulaski.

An act supplemental to the act granting a change of venue to James S. McCauley.

An act to establish the Pond Creek and Green River Coal Company.

An act for the benefit of Justice Hays' devisees.

An act for the benefit of Rachel Lindsey.

An act for the benefit of Sereny Hall and Maria Gibbs.

An act for the benefit of Betsey D. Tilley.

An act for the benefit of the children of Thomas W. Peake.

An act to amend and continue in force an act offering a reward for the discovery of the disease called Milk Sickness.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. J. P. Hardin, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act concerning the Goose Creek Salt Works road, in Knox county—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnson read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor shall be, and he is hereby, authorized to sell, on such terms as he may deem advisable, so much of the Thirty Year Bonds now authorized to be sold, as may be sufficient to pay contractors for work already done.

The rule of the House requiring joint resolutions to lie one day on the table, having been dispensed with,

Mr. Haggard moved to amend said resolution by adding thereto the following proviso:

Provided, said bonds shall not be sold for less than ninety five cents to the dollar.

Mr. J. Stevens then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Haggard and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Forman,	Morgan,
Messrs. Adams,	Gabbert,	Newell,
Atkinson,	Goodson,	Park,
Botts,	Gray,	Raymon,
Brent,	Hardin,	Reeves,
Bruton,	Hart,	Riffe,

Bullock,	Hawkins,	Rudd,
Bush,	Hazlerigg,	Skiles,
Chilton,	Innes,	Speed,
Clay,	Johnson,	Stevens, J.
Cofer,	Kirtley,	Thompson,
Colyer,	Latimer,	Trussell,
Combs,	Loving,	Vance,
Craddock,	Marshall, C. A.	Watts,
Crenshaw,	Marshall, W. C.	White,
Curd,	Mason,	Williams,
Curle,	McHenry,	Woodson—52.
Draffin,		

Those who voted in the negative were—

Messrs. Brien,	Howard,	Smith, B.
Buckner,	Imboden,	Smith, H. H.
Caldwell,	Lackey,	South,
Chenault,	Lair,	Sprigg,
Cunningham,	Marshall, W. N.	Stephens, N. B.
Davidson,	Mitchell,	Taylor,
Fletcher,	Nance,	Thomasson,
Ford,	Paris,	Towles,
Goble,	Perciful,	Triplett,
Graham,	Rowlett,	Wakefield,
Haggard,	Shanks,	Waring,
Harding,	Shaw,	Watkins,
Haydon,	Shuck,	Wortham—39.

The main question was then put: Shall the resolution be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Sprigg and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Goodson,	Park,
Messrs. Adams,	Gray,	Raymon,
Atkinson,	Harding,	Reeves,
Botts,	Hardin,	Riffe,
Bruton,	Harrison,	Rudd,
Bullock,	Hart,	Shanks,
Bush,	Hawkins	Skiles,
Chenault,	Hays,	Speed,
Chilton,	Hazlerigg,	Stevens, J.
Clay,	Innes,	Stockton,
Cofer,	Johnson,	Thomas,
Colyer,	Kirtley,	Thompson,
Combs,	Latimer,	Towles,
Craddock,	Loving,	Trussell,
Crenshaw,	Marshall, C. A.	Vance,

Curd,	Marshall, W. C.	Waring,
Curle,	Mason,	Watts,
Draffin,	Miller,	White,
Forman,	Morgan,	Williams,
Gabbert,	Newell,	Woodson—60.

Those who voted in the negative were—

Messrs. Brent,	Howard,	Shuck,
Brien,	Imboden,	Smith, B.
Buckner,	Lackey,	Smith, H. H.
Caldwell,	Lair,	South,
Calhoon,	Marshall, W. N.	Sprigg,
Davidson,	McHenry,	Stephens, N. B.
Fletcher,	Mitchell,	Taylor,
Ford,	Nance,	Thomasson,
Goble,	Paris,	Triplett,
Graham,	Perciful,	Wakefield,
Haggard,	Rowlett,	Watkins,
Haydon,	Shaw,	Wortham—36.

Mr. Imboden, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend the laws incorporating the town of Hickman.

An act altering the terms of the Estill County Court.

An act to amend the several acts providing for internal improvements in the State of Kentucky.

An act for the benefit of Marietta H. Estes, and her children.

An act to establish the town of Milburn, in the county of Hickman.

An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

A resolution directing the manner of printing the acts of the General Assembly.

And bills which originated in this House, of the following titles:

An act for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes.

An act prescribing the mode of preserving the evidences of the payment of interest on certain State Bonds.

An act for the benefit of Morrison W. Smith, and others.

An act for the benefit of James Newton.

An act to divorce Thomas M. Pulliam.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county, and for other purposes.

An act for the divorce of Benjamin Bennett.

An act for the benefit of the Sheriffs of Laurel and Livingston counties.

An act for the benefit of the Sheriff of Rockcastle county.

An act to divorce Alice A. Price.

An act to divorce Mary Edrington.

An act for the benefit of James P. Howard.

An act for the benefit of Joseph Nelson.

An act to divorce Ann E. McCoun, and for other purposes.

An act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1, 1836.

An act to incorporate the Harrodsburg Lyceum.

An act for the benefit of the Clerk of the Pendleton Circuit and County Courts.

An act for the benefit of the Sheriff of Meade county.

An act for the benefit of James Jenkins.

An act for the benefit of the Sheriff of Casey county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Imboden inform the Senate thereof.

Mr. Davidson, from the committee on Public Offices, made the following report, viz:

The joint committee on Public Offices, having completed the examination of all the offices, make the following report:

That they proceeded to the examination of the condition of the books, papers, and entries of the Auditor's office, generally, and found the books, papers, and presses, in as good order as the size of the office will admit of. The office is too small, and unsafe. The books and papers are exposed to the weather, and neither presses or room sufficient to keep them either secure from fire or vermin, or destruction and decay from exposure to the weather.

Your committee would respectfully suggest the necessity of an enlargement of the Auditor's office. They next proceeded to the examination of the record of the Second Auditor's books. 1st. The Treasurer's weekly reports of warrants paid; the register of warrants issued, and the Treasurer's record of warrants paid. We had also the Treasurer's monthly statements, and the Second Auditor's printed report, and compared them, and found them all to agree. We also examined the Treasurer's monthly balance book, and Second Auditor's special report, and found, upon comparison, all to agree.

And your committee would further state, without setting forth specifically the different books of the First and Second Auditors, which they examined minutely and with care, that, upon a comparison of the books and vouchers, and entries of warrants issued, with the book, vouchers, and warrents paid, of the Treasurer, and the monthly settlements of the Second Auditor with the monthly balance sheets of the Treasurer, and a comparison of the whole, as far as set forth in the printed report of each, we found to correspond; which examinations were of entries made, accounts audited, and warrants paid, from the 10th of October, 1839, to the 10th of October, 1840. That they found each officer's books regularly balanced at the end of each month; all which we found to agree to a cent. We found the books, entries,

and warrants on file in the Treasurer's office, correct. We found the First Auditor's and Treasurer's books, warrants and vouchers on Internal Improvement, and Sinking Fund, and School Fund, to agree; and no discrepancy whatever was found. In the entire examination of each office, in the receipts, expenditures, vouchers, entries, and warrants, of First and Second Auditor and Treasurer, we found them to agree, and state they were all strictly correct, and balanced.

The committee then proceeded to the examination of the books and papers in the Register's office, and state they are in good condition, and, upon comparison of the book of entries with warrants and surveys, found all to agree, and no discrepancy whatever. They state that the office of the Register is too small, and unsafe.

JOHN S. MORGAN, *C. C. S.*
JAMES W. DAVIDSON,
RANDAL LATIMER,
JOHN J. THOMAS,
J. D. PERCIFUL,
G. C. RIFFE,
EDWARD M. TAYLOR.

Mr. Ford, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

An act for the divorce of George Ann Murray.

An act for the benefit of Mary Bledsoe.

An act for the benefit of Elizabeth Ann Doty.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ford, from the same committee, to whom was referred the petition of Asa Casper and Eliza Casper, praying to be divorced from each other—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected: which was concurred in.

Mr. Ford, from the same committee—asked leave to be discharged from the further consideration of sundry petitions which had been referred to them, praying for a repeal or modification of the law granting license to retail spirituous liquors; which was granted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—A bill to authorize the County Court of Graves county to change the State road in said county, and for other purposes.

By same—A bill for the benefit of the Versailles and Anderson Turnpike Road Company.

By the committee on Propositions and Grievances—A bill for the benefit of William Coffield.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The amendments proposed by the Senate to a bill from this House, entitled, an act further to provide for the appointment of Patrolls in this Commonwealth—were twice read, and concurred in.

An engrossed bill, entitled, an act for the benefit of Mrs. Frances B. Moore—was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof, by Messrs. Clay and Rowlett, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,	Hart,	Smith, B.
Messrs. Adams,	Hawkins,	Smith, H. H.
Atkinson,	Innes,	Speed,
Brent,	Johnson,	Sprigg,
Brien,	Lackey,	Stephens, N. B.
Bruton,	Latimer,	Stevens, J.
Calhoon,	Loving,	Stockton,
Chenault,	Marshall, W. C.	Taylor,
Chilton,	Mason,	Thomas,
Cofer,	Mitchell,	Thomasson,
Craddock,	Newell,	Towles,
Cunningham,	Park,	Triplett,
Curd,	Perciful,	Trussell,
Curle,	Reeves,	Vance,
Davidson,	Riffe,	Waring,
Draffin,	Rowlett,	Watts,
Forman,	Rudd,	White,
Gabbert,	Shanks,	Williams,
Goodson,	Shaw,	Woodson,
Gray,	Shuck,	Wortham—61.
Haggard,		

Those who voted in the negative were—

Messrs. Buckner,	Hardin,	Morgan,
Bullock,	Harrison,	Nance,
Bush,	Hays,	Paris,
Clay,	Hazlerigg,	Raymon,
Colyer,	Howard,	Skiles,

Combs,	Imboden,	South,
Fletcher,	Kirtley,	Thompson,
Ford,	Lair,	Wakefield,
Graham,	Marshall, C. A.	Watkins—29.
Harding,	McHenry,	

Mr. A. Harding, from the select committee to whom was referred a bill from the Senate, entitled, an act to add Russell county to the eighth Judicial district—reported the same with amendments, which were concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnson, from the committee on Education, to whom was referred a bill from the Senate, entitled,

An act for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.

Reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. McHenry, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes—reported the same without amendment.

Mr. Shuck moved an amendment to said bill.

Mr. McHenry then moved the previous question.

The question was then taken: Shall the main question be now put? and it was decided in the affirmative.

The main question was then put: Shall the bill be read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to a bill from the Senate, entitled an act to add Russell county to the eighth Judicial district.

And that they had passed bills from this House, of the following titles:

An act to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.

An act for the divorce of Elizabeth Merritt.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act for the appropriation of money.

With amendments to the last named bill.

The said amendments were then taken up, twice read, and the 1st and 2d disagreed to, and the 3d, 4th and 5th concurred in.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act for the benefit of the Versailles and Anderson Turnpike Road Company.

An act for the benefit of Wm. Coffield.

An act for the benefit of Mrs. Frances B. Moore.

An act to prevent injury to turnpike roads.

And that they recede from their 1st and 2d amendments to a bill from this House, entitled, an act for the appropriation of money.

A message was received from the Senate, announcing their readiness to proceed again in the election of a Senator in the Congress of the U. States.

The House then proceeded to take the seventeenth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Speed,
Messrs. Adams,	Forman,	Taylor,
Brent,	Goodson,	Thomas,
Bush,	Loving,	Triplett,
Chilton,	Marshall, W. C.	Trussell,
Colyer,	Paris,	Vance,
Combs,	Park,	White—21.

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Snyder,
Cofer,	Johnson,	South,
Fletcher,	Lackey,	Stevens, J.
Goble,	Latimer,	Thomasson
Graham,	McHenry,	Thompson,
Gray,	Mitchell,	Towles,
Hardin,	Nance,	Wakefield,
Harrison,	Perciful,	Watkins,
Hart,	Shaw,	Wortham—28.
Hays,		

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Howard,	Rowlett,
Caldwell,	Kirtley,	Shanks,
Craddock,	Lair,	Shuck,
Crenshaw,	Marshall, W. N.	Smith, B.
Draffin,	Mason,	Smith, H. H.
Haggard,	Miller,	Sprigg,
Harding,	Reeves,	Stockton—22.
Haydon,		

Those who voted for Richard H. Menifee, were—

Messrs. Atkinson,	Ford,	Riffe,
Botts,	Gabbert,	Rudd,
Bruton,	Hawkins,	Skiles,
Bullock,	Hazlerigg,	Stephens, N. B.
Chenault,	Innes,	Waring,
Clay,	Marshall, C. A.	Watts,
Cunningham,	Morgan,	Williams,
Curd,	Newell,	Woodson—26.
Curle,	Raymon,	

Messrs. Reeves, Thompson and Forman were appointed a committee to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	31
For John Calhoon, - - - -	39
For Richard A. Buckner, - - - -	31
For Richard H. Menifee, - - - -	32

Mr. Clay then withdrew the nomination of Mr. Richard H. Menifee.

Ordered, That Mr. Clay inform the Senate thereof.

No one on nomination having received a majority of all the votes given, the House proceeded to take the eighteenth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Davidson,	Skiles,
Messrs. Adams,	Forman,	Speed,
Botts,	Goodson,	Taylor,
Brent,	Hawkins,	Thomas,
Bruton,	Hazlerigg,	Triplett,
Bullock,	Latimer,	Trussell,
Bush,	Loving,	Vance,
Chilton,	Marshall, C. A.	Waring,
Colyer,	Morgan,	White,
Combs,	Park,	Williams,
Curle,	Raymon,	Woodson—33.

Those who voted for John Calhoon, were—

Messrs. Brien,	Imboden,	Smith, H. H.
Chenault,	Johnson,	South,
Cofer,	Lackey,	Stephens, N. B.
Fletcher,	Marshall, W. C.	Stevens, J.
Goble,	Mason,	Thomasson,
Graham,	McHenry,	Thompson,
Gray,	Mitchell,	Towles,
Hardin,	Nance,	Wakefield,
Harrison,	Perciful,	Watkins,
Hart,	Rudd,	Wortham—32.
Hays,	Shaw,	

Those who voted for Richard A. Buckner, were—

Messrs. Atkinson,	Haggard,	Reeves,
Buckner,	Harding,	Riffe,
Caldwell,	Haydon,	Rowlett,
Clay,	Howard,	Shanks,
Craddock,	Innes,	Shuck,
Crenshaw,	Kirtley,	Smith, B.
Cunningham,	Lair,	Snyder,
Curd,	Marshall, W. N.	Sprigg,
Draffin,	Miller,	Stockton,
Ford,	Newell,	Watts—32.
Gabbert,	Paris,	

The same committee were appointed to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	45
For John Calhoon, - - - -	48
For Richard A. Buckner, - - - -	40

No one on nomination having received a majority of all the votes given, the House proceeded to take the nineteenth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Draffin,	Park,
Messrs. Adams,	Forman,	Raymon,
Atkinson,	Goodson,	Skiles,
Botts,	Hawkins,	Speed,
Brent,	Hazlerigg,	Taylor,
Bruton,	Innis,	Thomas,
Bullock,	Latimer,	Triplett,
Bush,	Loving,	Trussell,
Chenault,	Marshall, C. A.	Vance,
Chilton,	Mason,	Waring,

Colyer,	Miller,	White,
Combs,	Morgan,	Williams,
Curle,	Newell,	Woodson—40.
Davidson,		

Those who voted for John Calhoon, were—

Messrs. Brien,	Johnson,	Snyder,
Cofer,	Lackey,	South,
Fletcher,	Marshall, W. C.	Sprigg,
Goble,	McHenry,	Stevens, J.
Graham,	Mitchell,	Thomasson,
Gray,	Nance,	Thompson,
Hardin,	Perciful,	Towles,
Harrison,	Rudd,	Wakefield,
Hart,	Shaw,	Watkins,
Hays,	Smith, H. H.	Wortham—31.
Imboden,		

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Haggard,	Riffe,
Caldwell,	Harding,	Rowlett,
Clay,	Haydon,	Shanks,
Craddock,	Howard,	Shuck,
Crenshaw,	Kirtley,	Smith, B.
Cunningham,	Lair,	Stephens, N. B.
Curd,	Marshall, W. N.	Stockton,
Ford,	Paris,	Watts—26.
Gabbert,	Reeves,	

The same committee were appointed to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	53
For John Calhoon, - - - -	45
For Richard A. Buckner, - - - -	34

No one on nomination having received a majority of all the votes given, the House proceeded to take the twentieth vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Draffin,	Skiles,
Messrs. Adams,	Forman,	Speed,
Atkinson,	Goodson,	Stephens, N. B.
Botts,	Hawkins,	Stevens, J.
Brent,	Hazlerigg,	Taylor,
Bruton,	Latimer,	Thomas,
Bullock,	Loving,	Triplett,
Bush,	Marshall, C. A.	Trussell,

Chenault,	Miller,	Vance,
Chilton,	Morgan,	Waring,
Colyer,	Paris,	White,
Combs,	Park,	Williams,
Curle,	Raymon,	Woodson—40.
Davidson,		

Those who voted for John Calhoon, were—

Messrs. Brien,	Hays,	Shaw,
Cofer,	Imboden,	Smith, H. H.
Curd,	Johnson,	Snyder,
Fletcher,	Lackey,	South,
Goble,	Marshall, W. C.	Thomasson,
Graham,	McHenry,	Thompson,
Gray,	Mitchell,	Towles,
Hardin,	Nance,	Wakefield,
Harrison,	Perciful,	Watkins,
Hart,	Rudd,	Wortham—30.

Those who voted for Richard A. Buckner, were—

Messrs. Buckner,	Haydon,	Riffe,
Caldwell,	Howard,	Rowlett,
Clay,	Innes,	Shanks,
Craddock,	Kirtley,	Shuck,
Crenshaw,	Lair,	Smith, B.
Cunningham,	Marshall, W. N.	Sprigg,
Ford,	Mason,	Stockton,
Haggard,	Newell,	Watts—26.
Harding,	Reeves,	

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	55
For John Calhoon, - - - -	41
For Richard A. Buckner, - - - -	34

Mr. Clay then read and laid on the table the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, at three o'clock, P. M. withdraw the present nominees for the office of U. States Senator, and make new and other nominations; and in voting for the same, they will drop the hindmost on each ballot, until an election be had.

Mr. Clay moved that the rule requiring joint resolutions to lie one day on the table be dispensed with.

And the question being taken thereon it was decided in the negative.

Mr. Thompson then withdrew the nomination of Mr. John Calhoon.

Ordered, That Mr. Thompson inform the Senate thereof.

A message was received from the Senate, by Mr. Johnston, announcing that Mr. Joseph R. Underwood had been placed in nomination in the Senate, for the office of Senator in the Congress of the United States.

Whereupon Mr. Haggard nominated Mr. Joseph R. Underwood.

A message was received from the Senate, by Mr. Quarles, announcing that Mr. Richard A. Buckner had been withdrawn from nomination in the Senate.

Whereupon Mr. Reeves withdrew the nomination of Mr. Richard A. Buckner in this House.

No one on nomination having received a majority of all the votes given, the House proceeded to take the twenty first vote, which stood thus:

Those who voted for James T. Morehead, were—

Mr. Speaker,	Gabbert,	Rowlett,
Messrs. Adams,	Goble,	Rudd,
Botts,	Goodson,	Shanks,
Brent,	Harrison,	Shaw,
Bruton,	Hart,	Skiles,
Buckner,	Hawkins,	Speed,
Bullock,	Hazlerigg,	Sprigg,
Bush,	Innes,	Taylor,
Chenault,	Johnson,	Thomas,
Chilton,	Marshall, C. A.	Thompson,
Clay,	Marshall, W. C.	Triplett,
Colyer,	McHenry,	Trussell,
Combs,	Miller,	Vance,
Cunningham,	Morgan,	Waring,
Curd,	Newell,	Watkins,
Curle,	Paris,	Watts,
Draffin,	Park,	White,
Forman,	Raymon,	Williams—54.

Those who voted for Joseph R. Underwood, were—

Messrs. Atkinson,	Haydon,	Reeves,
Caldwell,	Hays,	Riffe,
Calhoon,	Howard,	Shuck,
Cofer,	Imboden,	Smith, B.
Craddock,	Kirtley,	Smith, H. H.
Crenshaw,	Lackey,	South,
Davidson,	Lair,	Stephens, N. B.
Fletcher,	Latimer,	Stevens, J.
Ford,	Loving,	Stockton,
Graham,	Marshall, W. N.	Thomasson,
Gray,	Mason,	Towles,
Haggard,	Mitchell,	Wakefield,
Harding,	Nance,	Woodson,
Hardin,	Perciful,	Wortham—42.

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Reeves, from the committee, reported that the joint vote stood thus:

For James T. Morehead, - - - -	72
For Joseph R. Underwood, - - - -	61

Whereupon James T. Morehead was declared duly elected Senator in Congress of the United States, for six years, from and after the 4th day of March next.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act to incorporate the town of Smithland, and for other purposes—with amendments.

And that they had disagreed to a resolution from this House in relation to the sale of State Bonds.

Mr. N. B. Stephens, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Justice Hays' devisees.

An act for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.

An act to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes.

An act concerning the Goose Creek Salt Works road, in Knox county.

An act to authorize John M. Weddle to lay out a town on his lands in the county of Pulaski.

An act for the divorce of George Ann Murray.

An act for the benefit of Betsey D. Tilley.

An act to establish the Pond Creek and Green River Coal Company.

An act supplemental to the act granting a change of venue to James S. McCauley.

An act for the benefit of Rachel Lindsey.

An act for the benefit of Sereny Hall and Maria Gibbs.

An act for the divorce of Elizabeth Ann Doty.

An act for the benefit of Mary Bledsoe.

An act to amend and continue in force an act offering a reward for the discovery of the disease called Milk Sickness.

An act for the benefit of the children of Thomas W. Peake.

An act to add Russell county to the eighth Judicial district.

And bills which originated in this House, of the following titles:

An act supplemental to an act, entitled, an act to amend the law prohibiting the importation of slaves into this State.

An act to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.

An act for the benefit of the Versailles and Anderson Turnpike Road Company.

An act to prevent injury to turnpike roads.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act for the benefit of Wm. Coffield.

An act for the divorce of Elizabeth Merrit.

An act for the appropriation of money.

An act further to provide for the appointment of Patrolls in this Commonwealth.

An act for the benefit of Mrs. Frances B. Moore.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Stephens inform the Senate thereof.

The Speaker having left the chair, Mr. Calhoon moved the following resolution, viz:

Resolved, That the thanks of this House be tendered to the Hon. Charles S. Morehead, Speaker of this House, for the able and impartial manner in which he has presided over the deliberations of this body, during the present session of the General Assembly.

Which being twice read, was unanimously adopted.

The Clerk having left the table, Mr. Buckner moved the following resolution, viz:

Resolved, That the thanks of this House be, and they are hereby, tendered to their Clerk, Thomas J. Helm, for the prompt and efficient manner in which he has discharged all the duties of his arduous office during the present session.

Which being twice read, was unanimously adopted.

Mr. Towles moved the following resolution, viz:

Resolved, That the gratitude of this House is due to the Assistant Clerk, Sergeant-at-Arms, and Door Keeper, for the prompt and efficient manner in which they have discharged the duties of their respective offices.

Which being twice read, was unanimously adopted.

A message was received from the Senate, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to establish the town of Milburn, in the county of Hickman.

An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

An act to amend the several acts providing for internal improvements in the State of Kentucky.

An act to amend the laws incorporating the town of Hickman.

An act altering the terms of the Estill County Court.

An act for the benefit of Marietta H. Estes, and her children.

An act for the benefit of Mary Bledsoe.

An act for the divorce of Elizabeth Ann Doty.

An act supplemental to the act granting a change of venue to James S. McCauley.

An act to establish the Pond Creek and Green River Coal Company.

An act to authorize John M. Weddle to lay out a town on his land, in the county of Pulaski.

An act for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.

An act for the benefit of Justice Hays' devisees.

An act for the benefit of Betsey D. Tilley.

An act for the divorce of George Ann Murray.

An act for the benefit of Rachel Lindsey.

An act for the benefit of Sereny Hall and Maria Gibbs.

An act to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes.

An act concerning the Goose Creek Salt Works road, in Knox county.

An act for the benefit of the children of Thomas W. Peake.

An aet to add Russell county to the 8th Judicial district.

An act to amend and continue in force an act offering a reward for the disease called the Milk Sickness.

A resolution directing the manner of printing the acts of the General Assembly. Approved February 18, 1841.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Henderson, approved January 21, 1840.

An act to establish the eighteenth Judicial district, and for other purposes.

An act for the benefit of the Clerks of the Oldham and Cumberland County Courts. Approved February 17, 1841.

An act for the benefit of Morrison W. Smith, and others.

An act to incorporate the Harrodsburg Lyceum.

An act to divorce Mary Edrington.

An act to divorce Alice A. Price.

An act for the benefit of the Sheriffs of Laurel and Livingston counties.

An act for the benefit of the Sheriff of Rockcastle county.

An act to divorce Thomas M. Pulliam.

An act for the divorce of James Newton.

An act for the divorce of Benjamin Bennett.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county, and for other purposes.

An act prescribing the mode of preserving the evidences of the payment of interest on certain State Bonds.

An act for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes.

An act for the benefit of James P. Howard.

An act for the benefit of Joseph Nelson.

An act for the benefit of James Jenkins.

An act for the benefit of the Sheriff of Casey county.

An act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1, 1836.

An act to divorce Ann E. McCoun, and for other purposes.

An act for the benefit of the Clerk of the Pendleton Circuit and County Courts.

An act for the benefit of the Sheriff of Meade county.

An act for the benefit of the Versailles and Anderson Turnpike Road Company.

An act to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.

An act supplemental to an act, entitled, an act to amend the law prohibiting the importation of slaves into this State.

An act for the benefit of the Lexington and Ohio Railroad Company.

An act to prevent injury to turnpike roads.

An act for the benefit of Mrs. Frances B. Moore.

An act for the divorce of Elizabeth Merrit.

An act for the benefit of Wm. Coffield.

An act further to provide for the appointment of Patrolls in this Commonwealth.

An act for the appropriation of money.

Approved February 18, 1841.

A message was received from the Senate, by Mr. Ballinger, announcing that they had closed their legislative business, and were now ready to close their present session of the General Assembly, by an adjournment, on their part, without day; and had appointed a committee to act in conjunction with a committee on the part of this House, to wait on the Governor, and inform him of the proposed adjournment of the General Assembly, and to know if he had any other communications to make.

Whereupon Messrs. Thompson, Speed, Ford, Calhoon and McHenry were appointed a committee on the part of this House.

Ordered, That Mr. Thompson inform the Senate thereof.

The committee then retired, and in a few minutes returned; when Mr. Thompson, from said committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor, that having, from time to time, during the present session, communicated his views to the General Assembly, he had now no further communications to make.

Whereupon the Speaker, having delivered a congratulatory and valedictory address, adjourned the House *sine die*.

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